

Closed Caption Log, Council Meeting, 01/12/06

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Mayor Wynn: GOOD MORNING. I'M AUSTIN MAYOR WILL WYNN, IT'S MY PRIVILEGE TO WELCOME PASTOR GEORGE HOLCOMBE, OF ASBURY UNITED METHODIST CHURCH WHO WILL LEAD US IN OUR INVOCATION, PLEASE RISE.

LET US PRAY. OH, THOU WHO CREATED THE UNIVERSE AND SET IT INTO MOTION, WE CALLED YOU BY MANY NAMES, ALL POINT TO YOUR MAKING THIS EARTH HOLY. MAY WE IN THIS COUNCIL MEETING SEARCH THE WISDOM YOU HAVE PLACED IN LIFE ITSELF, SO THAT THE DELIBERATIONS AND DECISIONS WE MAKE HERE WILL REFLECT THE GOODNESS AND WISDOM OF YOUR INTENT. MAKE US MINDFUL THAT OUR WORK HERE, OUR LISTENING TO EACH OTHER, OUR MAKING DECISIONS, IS NOT SIMPLY FOR OURSELVES, BUT EVEN FOR THOSE YET UNBORN WHO DEPEND UPON OUR DECISIONS TO SHAPE THEIR OPPORTUNITIES. GRANT THAT AS WE SEW IN OUR PANEL TO THE QUILT OF LIFE, THAT WE NOT ALLOW OUR WEARINESS TO OVERLOOK SMALL THINGS THAT WE THINK OF AS TRIVIAL OR FAIL TO HEAR THOSE WHO HAVE NO VOICE. ALLOW US TO DELIBERATE AND ACT THIS DAY THAT WHEN WE NO LONGER HAVE THESE RESPONSIBILITIES AND OUR DAYS HAVE COME TO AN END, WE LOOK AND SEE THIS CITY, SET ON A HILL, AS A MODEL FOR JUSTICE AND PEACE, AND AN EMBLEM OF COMMON SENSE. IN THE NAME OF ALL THOSE WHO MEDIATE TRUTH TO OUR HEARTS, LET IT BE, AMEN.

AMEN.

THANK YOU, PASTOR HOLCOMB. THERE BEING A QUORUM PRESENT HIT I WILL CALL TO ORDER THIS -- AT THIS TIME I WILL CALL TO ORDER THIS MEETING OF THE AUSTIN CITY COUNCIL, IT IS APPROXIMATELY 10:18 A.M., THURSDAY JANUARY 12th, 2006, WE ARE IN THE COUNCIL CHAMBERS OF THE CITY HALL BUILDING, 301 WEST SECOND STREET. I'LL ANNOUNCE NOW THAT COUNCILMEMBER ALVAREZ WILL BE OUT FOR A FEW HOURS THIS MORNING, SO WE ANTICIPATE HIM AROUND THE LUNCH HOUR. YOU ALL ARE PROBABLY AWARE THAT THE MAYOR PRO TEM HAS BEEN HOSPITALIZED THE LAST COUPLE OF DAYS WITH -- WITH A -- NOT THREATENING, BUT SERIOUS CONDITION, I TALKED TO MAYOR PRO TEM JUST A FEW MINUTES AGO. TOLD HIM THAT OUR THOUGHTS AND PRAYERS ARE WITH HIM FOR A COMPLETE, QUICK RECOVERY, HE THANKS US VERY MUCH FOR THOSE THOUGHTS, HE EXPECTS TO BE BACK IN THE OFFICE VERY SOON. WITH FIVE VOTES HERE, WE WILL STILL BE ABLE TO, MR. SMITH, ORDINANCES AND THINGS THAT MIGHT BE ON THE CONSENT AGENDA, THE FIVE VOTES IS ALL THAT'S REQUIRED FOR THREE READING IF THAT IS NEEDED.

THAT'S CORRECT, MAYOR.

Mayor Wynn: OKAY. THANK YOU VERY MUCH. OUR TIME CERTAIN ITEMS, AT NOON BREAK FOR GENERAL CITIZENS COMMUNICATIONS. AT 2:00 WE HAVE SEVERAL BRIEFINGS THAT SHOW AS ITEMS 38, 39 AND 40 ON THE AGENDA. 3:00 MEETING OF THE BOARD OF DIRECTORS OF THE THE AUSTIN HOUSING FINANCE CORPORATION. AT 4:00 WE TAKE UP THE ZONING HEARINGS AND APPROVAL OF ORDINANCES AND RESTRICTIVE COVENANTS. THOSE SHOW ON TODAY'S AGENDA AS ITEMS 41 THROUGH 52. AND ZONING CASES Z-1 THROUGH Z-24. WE WILL ANNOUNCE NOW THAT THE STAFF WILL BE -- WILL BE REQUESTING THE FOLLOWING POSTPONEMENTS: ON ITEM NO. 44, THE HARRIS BRANCH P.U.D., STAFF WILL BE REQUESTING A POSTPONEMENT TO MARCH 2nd. ITEM NO. 46 THE EWERS OFFICE RETAIL BUILDING, STAFF WILL REQUEST A POSTPONEMENT TO MARCH 9th AND THE ZONING CASE Z-21 THE PUBLIC HEARING ENTITLED SPRING LAKE ALSO WILL BE REQUESTED A POSTPONEMENT TO MARCH 9th. WE WILL TAKE UP THOSE

POSTPONEMENT VOTES AT 4:00. 5:30 BREAK FOR LIVE MUSIC AND PROCLAMATIONS. THE MUSICIANS TODAY ARE THE AUSTIN YOUNG ARTISTS, VERY TALENTED GROUP, WE ENCOURAGE YOU TO STAY TUNED. 6:00 PUBLIC HEARINGS AND POSSIBLE ACTIONS. SHOW AS ITEMS 53 THROUGH 58. WE HAVE SEVERAL CHANGES AND CORRECTIONS TO THIS WEEK'S POSTED AGENDA. BEGINNING WITH ITEM NO. 1, WE NEED TO CORRECT THE DATE THAT WE WILL BE APPROVING THE MINUTES OF THE DECEMBER 15th, 2005 MEETING OF THE DECEMBER 5th MEETING. NOT THE DECEMBER 5th MEETING. ITEM NO. 26, THIS WILL BE -- THESE ARE THE APPOINTMENTS TO OUR MUNICIPAL COURT JUDGES. NOT HAVING A FULL COUNCIL HERE FOR THE DAY, WE ARE GOING TO POSTPONE THAT ACTION UNTIL THURSDAY, FEBRUARY 2nd, 2006. THE NEXT DATE THAT WE WILL ALSO HAVE A FULL COUNCIL. ITEM NO. 29, WHICH I NOTE THAT COUNCILMEMBER BETTY DUNKERLY IS AN ADDITIONAL SPONSOR, ON ITEM 36, WHICH IS RELATED TO ITEM 26, WE ALSO WILL BE POSTPONING, WILL NOT TAKE UP THE POTENTIAL EXECUTIVE SESSION DISCUSSION ABOUT OUR MUNICIPAL COURT JUDGES SEEING THAT WE WON'T ACTUALLY APPOINT THOSE JUDGES UNTIL FEBRUARY 2nd. THEY ARE BOTH POSTPONED TO FEBRUARY 2nd. ITEM NO. 42, THE SAN JOSE CHURCH ZONING CASE, WE NEED TO STRIKE THE PHRASE GENERAL OFFICE CONDITIONAL OVERLAY OR GO-CO AND INSERT COMMUNITY COMMERCIAL CONDITIONAL OVERLAY OR GR-CO. THAT'S ITEM NO. 42. ON ZONING CASE Z-17th, WE NEED TO ALSO CORRECT SOME ZONING CATEGORIES, WE SHOULD STRIKE THE CATEGORY -- THE PHRASE CONDITIONAL OVERLAY GR-CO COMBINING AND INSERT SIMPLY GR. WE THEN NEED TO STRIKE THE PHRASE CONDITIONAL OVERLAY GR-MU-CO AND INSERT SIMPLY GR-MU. AND REGARDING THE PLANNING COMMISSION RECOMMENDATION, WE NEED TO STRIKE THE PHRASE CONDITIONAL OVERLAY GR-MU-CO AND INSERT SIMPLY GR-MU. THAT'S ZONING CASE Z-17, A PART OF THE EAST RIVERSIDE OLTORF NEIGHBORHOOD PLAN TRACT 309. THOSE ARE OUR CHANGES AND CORRECTIONS TO THIS WEEK'S POSTED AGENDA. AT THIS TIME, COUNCIL, WE HAVE NO ITEMS PULLED OFF THE CONSENT AGENDA. SO I WILL ASK IF THAT REMAINS THE CASE. ANY ITEMS TO BE PULLED OFF THE CONSENT AGENDA? HEARING NONE, WITH THAT I WILL READ NUMERICALLY THIS MORNING'S CONSENT

AGENDA. IT WILL BE: ITEM 1 PER CHANGES AND CORRECTION, ITEM 2, 3, 4, 5, 6, 7, 8, 9, 10, AND NOTING THAT IT'S RELATED TO ITEM 14, 11, 12,, 13, 14, 15, 16, 17, 18, 19, 20,, 21, 22, 23, 24, 25, 26, TO BE POSTPONED TO FEBRUARY 2nd, 2006, ITEM 27, 28, 29 PER CHANGES AND CORRECTIONS, 30 changes and corrections, 30 , 30, 31, 32, 33, 34, 35, 36 NOTING THAT IT'S RELATED TO ITEM 26 WILL ALSO BE POSTPONED TO FEBRUARY 2nd, 2006, I'LL ENTERTAIN A MOTION ON THE CONSENT AGENDA. MOTION MADE BY COUNCILMEMBER MCCRACKEN, SECONDED BY COUNCILMEMBER DUNKERLY TO APPROVE THE CONSENT AGENDA AS READ.

MAYOR?

Clerk Brown: EXCUSE ME, I NEGLECTED TO POINT OUT THAT 25 ARE THE BOARDS AND COMMISSIONS IF YOU WOULD READ THOSE.

Mayor Wynn: THANK YOU VERY MUCH. ITEM 25 AS PART OF THE CONSENT AGENDA IS OUR APPOINTMENTS TO OUR BOARDS AND COMMISSIONS, I WILL READ THOSE INTO THE RECORD. TO THE AUSTIN TRAVIS COUNTY E.M.S. ADVISORY BOARD, THESE ARE ALL CONSENSUS APPOINTMENTS. PAUL CAROZA, WHO IS A CORPORATE RESPONSE GROUP REPRESENTATIVE, DR. PATRICK CROCKER, WHO IS THE TRAVIS COUNTY MEDICAL SOCIETY EMERGENCY DIRECTOR SPOT, SUSAN PASCO, A NEIGHBORHOOD GROUP REPRESENTATIVE, AND DR. DONALD PATRICK, THE CITY OF AUSTIN REPRESENTATIVE. THOSE ARE THE FOUR CONSENSUS APPOINTMENTS TO OUR AUSTIN-TRAVIS COUNTY E.M.S. ADVISORY BOARD. TO THE EMPLOYEES RETIREMENT SYSTEM BOARD OF TRUSTEES, ED GOLDEN IS A CONSENSUS REAPPOINTMENT, TO THE TRAVIS CENTRAL APPRAISAL DISTRICT, BLANCA ZAMORA GARCIA IS A CONSENSUS REAPPOINTMENT, TO THE ZONING AND PLATTING COMMISSION STEPHANIE HALE IS MAYOR PRO TEM THOMAS' APPOINTMENT, ITEM NO. 25 OUR BOARD AND COMMISSION. THANK YOU, MS. BROWN. SO WE HAVE A MOTION AND A SECOND TO APPROVE THE CONSENT AGENDA, COMMENTS? COUNCILMEMBER MCCRACKEN?

McCracken: ON THE AGENDA TODAY IS AN ITEM FROM THE MAYOR, COUNCILMEMBER LEFFINGWELL AND MYSELF TO DO

A DRAFT OR A DRAWING FOR THE CLEAN CHOICE, THE LATEST CHOICE FOR GREEN CHOICE POWER. THIS IS SIGNIFICANT BECAUSE GREEN CHOICE POWER IS CHEAPER THAN REGULAR ELECTRICITY AND IN FACT THIS APPEARS TO BE THE FIRST TIME SINCE COAL STARTED THE INDUSTRIAL REVOLUTION IN THE 17 HUNDREDS THAT A UTILITY HAS GONE OUT IN THE OPEN COMPETITIVE MARKET, COMP ACTIVELY BID FOR COAL GAS, NUCLEAR ONE SIDE, COMP COM PET ACTIVELY BID FOR SOLAR AND WIND ON THE OTHER SIDE, THE CHEAPER ELECTRICITY CAME FROM WIND AND SOLAR. THIS HAPPENED TO AUSTIN ENERGY, WITH TWO OTHER UTILITIES HERE IN AUSTIN IN THE LAST TWO MONTHS. NOT BECAUSE IT'S JUST BETTER FOR AIR QUALITY, BUT BECAUSE IT'S CHEAPER, WE ARE MOVING THIS ITEM TODAY, ITEM 30 IS TO HOLD A RAFFLE. SO YOU CAN GET YOUR GREEN CHOICE RAFFLE TICKET, WHICH IS YOUR APPLICATION TO JOIN GREEN CHOICE, GET AT H.E.B., CITY HALL, LOTS OF OTHER LOCATIONS AROUND THE CITY AS WELL. LOOK FOR THESE AND IF YOU WANT TO SAVE MONEY ON YOUR ELECTRIC BILL, YOU CAN APPLY THE RAFFLE, YOU HAVE GOT TO SUBMIT YOUR RAFFLE CARD, YOUR APPLICATION, BY FEBRUARY 28th, THE DRAWING WILL BE THE FIRST WEEK OF MARCH, THE WINNERS WILL GET THE CHANCE TO GET GREEN CHOICE POWER, WHICH IS BETTER FOR AIR QUALITY AND ALSO GREEN CHOICE IS CHEAPER THAN REGULAR ELECTRICITY.

Mayor Wynn: THANK YOU, COUNCILMEMBER. IT HAS BEEN A REMARKABLE PROGRAM, NOW THE ECONOMICS ARE THERE, WE THINK THE DEMAND IS GOING TO BE -- GOING TO BE OUTRAGEOUS. FURTHER COMMENTS ON THE CONSENT AGENDA? WE HAVE A COUPLE OF CITIZENS WHO SIGNED UP, SO WITHOUT OBJECTION, COUNCIL, LARRY ACHERS DESIGNED UP FOR ITEMS 10 AND 14 RELATED TO TOWN LAKE PARK. WELCOME, LARRY. THREE MINUTES.

THANK YOU VERY MUCH. WE ALL LOOK FORWARD TO -- TO THIS DAY. THE AUTHORIZATION OF THE CONSTRUCTION AND FUNDING FOR TOWN LAKE PARK PHASE 2 FOR A LONG, LONG TIME. FIRST OF ALL A LITTLE TECHNICAL REMINDER, THE DRAFT ORDINANCE SENT TO YOU IN YOUR BACKGROUND MATERIALS WAS AN EARLY DRAFT AND NEEDS TO BE AMENDEDMENT DON'T FORGET TO DO THAT. IN THE AMOUNT

OF MONEY CONCERNED. OTHER THAN THAT, I MAINLY WANTED TO JUST THANK A BUNCH OF PEOPLE. PRIMARILY ON CITY STAFF FOR -- FOR SOME EXTRAORDINARY WORK IN BRINGING THIS PACKAGE TO YOU IN THIS FORM. THE CITY MANAGER, ALL OF THE FOLKS AT PUBLIC WORKS, ROBERT HOLLAND, SONDR A CRAYTON, THE FOLKS AT TBG PARTNERS. THERE ARE SO MANY MORE, YOU KNOW, THE PARKS DEPARTMENT PEOPLE OF COURSE WHO HAVE -- HAVE JUST DONE AN EXTRAORDINARY JOB ON THIS. AND FROM THE BOTTOM OF MY HEART AND THE PEOPLE WHO ARE GOING TO ENJOY THIS PARK, WE THANK YOU. ALSO I WANTED TO MENTION JUST BRIEFLY TODAY IS THE 70th WEDDING ANNIVERSARY OF MY PARENTS WHO HAVE LIVED HERE IN AUSTIN FOR 17 YEARS. AND I GUESS THEY TAUGHT ME THAT IF YOU STICK WITH IT, LONG ENOUGH, GOOD THINGS WILL HAPPEN. SO HERE WE ARE. GOOD THINGS ARE HAPPENING. THANKS A LOT.

Mayor Wynn: THANK YOU, MR. AKERS. AND WHILE LARRY WAS THANKING PEOPLE, ALSO WE NEED TO THANK RANGER EXCAVATION, WHO AS YOU REMEMBER, CORPORATELY DONATED ESSENTIALLY THE EARTH WORK THAT YOU SEE GOING ON OVER THERE THAT PROBABLY SONDR A CRAYTON WOULD TELL US EQUATES TO 5 TO \$700,000, ESSENTIALLY A CASH DONATION TO THAT PART. SO A BIG THANK YOU TO RANGER EXCAVATION FOR THAT CONTRIBUTION. AND LET'S SEE, MR. RUSSELL MULLENS, IS RUSSELL HERE? RUSSELL SIGNED UP TO SPEAK ON A COUPLE OF ITEMS ON THE CONSENT AGENDA. RUSSELL MULLENS? SIGNED UP TO SPEAK ON ITEMS 5, 11 AND 12. SO WE WILL NOTE THAT IN THE RECORD. AGAIN WE HAVE A MOTION AND A SECOND ON THE TABLE TO APPROVE THE CONSENT AGENDA AS READ. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 5-0, WITH THE MAYOR PRO TEM AND COUNCILMEMBER ALVAREZ OFF THE DAIS. THANK YOU ALL VERY MUCH. SO, COUNCIL, WITHOUT ANY DISCUSSION ITEMS PRIOR TO THE GENERAL CITIZENS COMMUNICATION, WE CAN GO INTO CLOSED SESSION PURSUANT TO SECTION 551.071 OF THE OPEN

MEETINGS ACT THERE THEY WILL DISCUSS POTENTIALLY THE REPEAL OF A SITE PLAN FOR LUMBER'S INVESTMENT, .072, WE MAKE TAKE UP A REAL ESTATE MATTER, ITEM 37, RELATED TO THE BLOCK 21 PROJECT. WITHOUT OBJECTION, WE ARE NOW IN CLOSED SESSION. I ANTICIPATE US BEING BACK IN OPEN SESSION AT NOON FOR THE GENERAL CITIZENS COMMUNICATION. THANK YOU VERY MUCH.

WE ARE OUT OF CLOSED SESSION. IN EXECUTIVE SESSION WE TOOK UP REAL ESTATE MATTER ITEM NUMBER 37 RELATED TO BLOCK 21, AND LEGAL ADVICE, ITEM NUMBER 54, RELATED TO A SITE PLAN APPEAL BY LUMBERMAN'S INVESTMENTS INCORPORATED. NO DECISIONS WERE MADE. WE'RE BACK IN OPEN SESSION. WELCOME COUNCILMEMBER ALVAREZ BACK TO THE DAIS. WE'LL NOW GO TO OUR GENERAL CITIZEN COMMUNICATION. WE HAVE A NUMBER OF FOLKS SIGNED UP WISHING TO ADDRESS US, AND WE'LL START WITH MS. KAREN AS SCOTT. WELCOME. YOU WILL HAVE THREE MINUTES AND BE FOLLOWED BY BILL BUNCH, WHO WILL BE FOLLOWED BY IRA YATES.

MAYOR WYNN, MEMBERS OF THE CITY COUNCIL, THANK YOU FOR THIS OPPORTUNITY. HAPPY NEW YEAR. NOW FOR THE BAD NEWS. BACK IN THE 1700'S, EDMUND BURKE SAID ALL THAT IS NECESSARY FOR THE TRY TRIUMPH OF EVIL IS THAT GOOD MEN DO NOTHING. I'M HERE TO TALK TO YOU ABOUT AMD. WE ALL LIKE TO BELIEVE WE'RE GOOD PEOPLE. YOU'RE GOOD MEN AND WOMEN. YOU'RE ALSO THE ELECTED REPRESENTATIVES OF THE CITY OF AUSTIN. YOU'RE THE DECISION MAKERS. IT'S YOUR OBLIGATION TO ACT, NOT SIT IDLY BY WHILE AMD SETS IN MOTION A NEW WAVE OF FRENZIED DEVELOPMENT THAT MAY SEE THE END OF BREEKZ BARTON SPRINGS AT LAST. IN THIS CONTENTIOUS TOWN, THE PROTECTION OF BARTON SPRINGS IS ONE OF THE MOST AGREED UPON ISSUES, IT'S HAD MORE WIDESPREAD SUPPORT FOR A LONGER PERIOD OF TIME THAN ALMOST ANY OTHER ISSUE. BARTON SPRINGS HAS BEEN A REFUGE AND A SOURCE OF LIFE FOR WILD ANIMALS AND HUMAN BEINGS FOR OVER 10,000 YEARS. WHAT KIND OF ARROGANCE IS IT ON THE PART OF AMD'S EXECUTIVES TO THINK THEY HAVE THE RIGHT TO PUT THE FINAL STAKE IN THE HEART AND SOUL OF OUR CITY. THE MOST IMPORTANT POINT IS LOCATION. THE RECENT CHRONICLE COVER

CONVEYED THE POINT BEST BY TALKING ABOUT PUTTING LIPSTICK ON A PIG. AMD'S PRESENCE ON THE AQUIFER WILL BE A PIG NO MATTER HOW MUCH LIPSTICK THEY PUT ON IN THE FORM OF RAINWATER HARVESTING AND OTHER GREEN BUILDING TECHNIQUES BECAUSE THEY WILL BE INVITING AND ACCELERATING THE UNMITIGATED SECONDARY DEVELOPMENT AROUND THEM. AMD'S DISINGENUOUS ARGUMENT ABOUT HOW SOMEONE WILL LOCATE THERE REGARDLESS JUST HOLDS NO WATER. THEIR THE FIRST MAJOR EMPLOYER SINCE THE 1970'S TO MAKE A DECISION LIKE THIS AGAINST THE WILL OF THE CITIZENS. AMD'S HAS THEIR SITE FROM STRATUS, WHICH HAS IT FROM FREEPORT McMORAN, WHICH IS ONE OF THE WORST POLLUTING COMPANIES ON THE PLANET. THEY'RE CRIMINALS AND USING THE ILL GOTTEN GAINS OF THEIR GRANDFATHERS AS JUSTIFICATION. IT MAKES ME THINK OF A FENCE WHO SAYS IF HE DOESN'T SELL THE STOLEN GOODS, SOMEONE ELSE WILL, SO WHY NOT. I'VE HEARD ABOUT A POSSIBLE FIVE MILLION DOLLARS IN MITIGATION MONEY. THAT MONEY WON'T GO FAR IN PURCHASING LAND FOR MITIGATION. AND IF THE FIVE MILLION INSTEAD GOES TO BUY FIELDS AND SOCCER FIELDS IN OAK HILL, IT'S NOT MITIGATION, JUST AN OLD OLD-FASHIONED BRIBE. AMD SHOULD BE ASHAMED OF THEMSELVES. IF YOU SIT BY AND WATCH THIS WITH COMPLACENCY, YOU'RE LIKE THE CROWD WHO WITNESSES A MURDER WITHOUT TRYING TO STOP IT. I'M ASKING YOU TO TAKE A BOLD AND PUBLIC STANCE AND TELL AMD NOT TO LOCATE ON OUR AQUIFER. THANK YOU.

THANK YOU. WELCOME BILL BUNCH. YOU WILL HAVE THREE MINUTES AND BE FOLLOWED BY IRA YATES AND WHO WILL BE FOLLOWED BY COLIN CLARK.

THANK YOU, MAYOR, MEMBERS OF THE COUNCIL. WE'RE HERE AGAIN ASKING YOU TO SET A PUBLIC HEARING AND HAVE THIS COMMUNITY DISCUSS AND DEBATE THE PROPOSED AMD MOVE AND TO ASK THEM FORMALLY AND AS A COMMUNITY TO CHOOSE ANOTHER LOCATION OUTSIDE THE BARTON SPRINGS WATERSHED. MOST OF YOU, PERHAPS ALL OF YOU HAVE SAID THAT YOU MUCH PREFER AMD TO LOCATE OUTSIDE THE BARTON SPRINGS WATERSHED AND TO FOLLOW THE CITY'S 25-YEAR TRADITION OF STEERING MAJOR EMPLOYERS INTO OUR

DESIRED DEVELOPMENT ZONE. MOST OF YOU HAVE INSISTED THAT YOU'VE ACTUALLY HELPED AND TRIED TO ENCOURAGE THEM TO DO THIS, BUT YOU DID IT IN THE BACK ROOM. YOU DID IT WITHOUT THE SUPPORT OF THE COMMUNITY. YOU DID IT WITHOUT THE BENEFIT OF THE COMMUNITY'S HELP. AND IN FACT, BY TAKING IT INTO THE BACK ROOM, WHAT YOU REALLY DID IS YOU FACILITATED AND YOU'RE CONTINUING TO FACILITATE WITH YOUR SILENCE TODAY THE DESTRUCTION OF BARTON SPRINGS. THIS IS ON YOUR SHOULDERS. YOU CANNOT IN GOOD FAITH OR IN ANY SORT OF GOOD CONSCIENCE CLAIM THAT YOU'RE DOING ANYTHING TO DIVERT THIS DISASTER. YOU'RE FACILITATING THE CONTINUED SPREAD OF MISINFORMATION BY NOT GIVING A PUBLIC HEARING TO THIS ISSUE. AMD CONTINUES TO CLAIM THEY'RE COMPLYING WITH S.O.S. WATER QUALITY CONTROLS WHEN EVERYONE IN THIS ROOM KNOWS THAT THE MOST CRITICAL WATER QUALITY CONTROL AND S.O.S. IN ORDINANCE IS IMPERVIOUS COVER LIMITS AND THEY'RE VIOLATING THOSE. YOU'RE ALLOWING THEM TO CONTINUE TO MAKE THIS ARGUMENT THAT IF THEY DON'T GO THERE, SOMEBODY ELSE WORSE WILL, WHEN WE KNOW THAT IF AMD DOESN'T GO THERE AND WE SPEAK CLEARLY AS A COMMUNITY, NO OTHER MAJOR EMPLOYER WILL GO OUT THERE. WE WON'T HAVE THE ROCKET FUEL THAT GOES WITH THE MAJOR EMPLOYER, AND IF SOME STRIP SHOPPING CENTER OR RESIDENTIAL GOES IN, AS WENT IN IN THE OLD MOTOROLA SITE WHERE THEY WERE GOING TO DEVELOP, WE DON'T HAVE THAT MASSIVE SPRAWL THAT WILL KILL BARTON SPRINGS, THE SPRAWL THAT GOES WITH THE MAJOR EMPLOYER. YOUR SILENCE IS FACILITATING THE DETERIORATION OF THE EAST AUSTIN ECONOMY. NOT A SINGLE ONE OF YOU HAVE SAID A WORD ABOUT THE EXPORT OF 2,000 HIGH PAYING JOBS FROM EAST AUSTIN INTO THE BARTON SPRINGS WATERSHED, AND THE POTENTIAL FOR LOSING THE GROWTH THAT AMD PLANS THAT COULD BE GOOD JOBS AND ECONOMIC DEVELOPMENT FOR EAST AUSTIN. THIS IS A SHAME. IT'S A SHAME THAT WILL GO DOWN IN INFAMY IN THIS COMMUNITY. IT WON'T BE FORGOTTEN, BUT IT'S NOT TOO LATE FOR YOU TO CHANGE COURSE, TO SHOW AT LEAST A FRACTION OF RESPECT FOR 30 YEARS OF COMMUNITY EFFORTS TO SAVE BARTON SPRINGS AND TO SHOW A LITTLE BIT OF RESPECT FOR THE

FUTURE OF THE CITY. [BUZZER SOUNDS] THANK YOU. [APPLAUSE]

Mayor Wynn: THANK YOU, MR. BUNCH. IRA YATES. WELCOME. YOU WILL HAVE THREE MINUTES AND BE FOLLOWED BY COLIN CLARK.

MAYOR AND CITY COUNCIL, MY NAME IS IRA YATES. THE PROPOSED AMD SITE IN OAK HILL IS THE WRONG PLACE FOR INDUSTRY TO LOCATE. SPRAWL TAXES THE PUBLIC. THIS COUNCIL IS THE COLLECTIVE CONSCIOUSNESS OF THE VOTERS OF AUSTIN. THE CITIZENS OF AUSTIN CONTINUE TO SUPPORT ACQUISITION OF NATIONAL AREAS FOR AQUIFER PROTECTION AND QUALITY OF LIFE. THIS 1979 CITY MASTER PLAN WAS MY GUIDE WHEN I OFFERED TO SELL THE CIRCLE C RANCH OR ITS DEVELOPMENT RIGHTS TO THE CITY. ALTHOUGH THE CITY WAS NOT FINANCIALLY ABLE THEN, IN 1998 THE CITIZENS SPOKE BY VOTE AND SAID, LET'S START BUYING NATURAL AREAS TO PROTECT OUR WATER RESOURCE. TODAY WE UNDERSTAND WHAT CAUSES SPRAWL AND WHAT IT COSTS. SPRAWL COSTS MORE THAN IT IS WORTH. AMD SPRAWL WILL INFLATE LAND COSTS MORE THAN THE CASH BAIT OFFERED. AMD SPRAWL MEANS MORE BOND MONEY IS NECESSARY TO BUY WATERSHED PROTECTION LANDS. FOR 25 YEARS INDUSTRY HAS BEEN STEERED AWAY FROM THE AQUIFER REGION. DO ANY OF YOU REMEMBER THE MISH LIEN TIRE PLANT PROFESSIONAL FOR BRODIE LANE AND WILLIAM CANNON. STATE-OF-THE-ART DESIGNS WERE DISLAID; HOWEVER, IT NEVER HAPPENED. NOW TODAY IT IS NOT TOO LATE FOR THE SOUND CORPORATE COMPANY KNOWN AS AMD TO CHANGE ITS MIND AND LOCATE JUST EAST OF THE AQUIFER AND CLOSER TO THE TRANSIT UTILITY CORRIDOR. COMMON ECONOMIC SENSE NEEDS TO PREVAIL NOW. THE CITY OF AUSTIN MASTER PLAN NEEDS TO BE FOLLOWED. COMMON SENSE. THAT IS WHY I'M HERE TODAY. MY COWS TOLD ME TO COME DOWN HERE AND GIVE YOU A PIECE OF THEIR MIND. AND I QUOTE, TELL THE COUNCIL THAT A RESOLUTION DISCOURAGING BAD CORPORATE CHOICES MAY ONLY BE SYMBOLIC, BUT IT SEEMS NECESSARY TO TELL THIS ONE CORPORATE CITIZEN THAT HE IS NOT A GOOD BOY. HE NEEDS TO TAKE HIS HERD AND GO EAST. MAYBE TO THE HEAP RANCH, AND GOT OFF THE PATTON RANCH. STAY OUT

OF THE AQUIFER REGION. BAD BULL, NO HAY. WE DRINK AQUIFER WATER. WELL, I AGREE WITH THE COWS BECAUSE I DRINK THE WATER TOO. I SAY TO AMD, BAD BULLDOG, NO BISCUIT. ON BEHALF OF ALL MY CRITTERS AND WILDLIFE IN THE REGION, ALONG WITH 20 TO 30,000 INDIVIDUAL LIVES THAT DEPEND ON AQUIFER WATER, I RESPECTFULLY REQUEST THE AUSTIN CITY COUNCIL TO PASS A SYMBOLIC RESOLUTION STATING AMD AND ALL LARGE CORPORATE EMPLOYERS ARE STRONGLY URGED TO CAREFULLY CONSIDER SITE LOCATIONS AND NOT LOCATE IN THE AQUIFER REGION. [BUZZER SOUNDS] LARGE EMPLOYERS ARE STRONGLY URGED NOT TO LOCATE IN THE AQUIFER REGION. THANK YOU. [APPLAUSE]

Mayor Wynn: THANK YOU, MR. YATES. WELCOME, COLIN. YOU WILL HAVE THREE MINUTES AND BE FOLLOWED BY SARAH BAKER.

GOOD AFTERNOON MEMBERS OF COUNCIL, COLIN CLARK WITH SAVE OUR SPRINGS. OVER 16,000 PEOPLE HAVE SIGNED A PETITION ASKING AMD TO RECONSIDER, AND WE'RE GOING TO HAND YOU COPIES OF THESE, WHICH ACTUALLY ONLY HAVE 12,000 PRINTED OUT. WE'LL BE SURE TO GET YOU THE ADDITIONAL 4,000 SOON. I WOULD LIKE TO TAKE A MINUTE TO READ SOME OF THE COMMENTS THAT PEOPLE HAVE LEFT ON THIS PETITION. BECKY HELPIN, I LIVE IN OAK HILL AND DO NOT ENDORSE AMD'S MOVE TO THE AREA. FRAN HANLYNN, BARTON SPRINGS IS IN SERIOUS TROUBLE. YOU HAVE THE POWER TO MAKE A YIEWJ DIFFERENCE. YOU CAN BUILD IN THE WATERSHED AND THAT COULD BE HER FINAL BLOW OR CHANGE THE WATERSHED AND SET AN EXAMPLE FOR OTHERS. YOUR COMPANY'S LEGACY IN THE COMMUNITY ARE ON THE LINE. I WOULD LIKE TO SUGGEST THAT YOU GO DOWN TO THE SPRINGS, PLUNGE INTO HER WATERS AND DO SOME SOUL SEARCHING. I THINK YOU MIGHT DECIDE THAT IT'S NOT TOO LATE TO DO THE RIGHT THING. TOM DAVIDSON, THERE'S PLENTY OF LAND TO THE EAST WITH GOOD ACCESS TO AIRPORT AND THE EVENTUAL SH 130. EMILY LONG, IT'S SO IMPORTANT TO KEEP BARTON SPRINGS WATERSHED PROTECTED. I HOPE THAT YOU WILL CONSIDER THIS MOM'S PLEA TO FIND A DIFFERENT SITE. PAM REESE, THE CITIZENS OF AUSTIN HAVE SPOKEN THROUGH ENVISION CENTRAL

TEXAS. PLEASE LISTEN. DO NOT BUILD YOUR FACILITY ON THE BARTON SPRINGS WATERSHED. DEBRA POTTER, I AM A STOCKHOLDER WITH AMD AND I AM APPALLED WITH WITH ALL THE GROWTH AREAS IN AUSTIN THAT BUILDING OVER THE WATERSHED THEY THINK IS A REASONABLE THING TO DO. IT IS A SHORT SIGHTED AND SELFISH DECISION THAT WILL CAUSE IRREVERSIBLE DAMAGE. PLEASE RECONSIDER. CLAUDIA (INDISCERNIBLE). YOUR EAST AUSTIN CAMPUS HAS BROUGHT GREAT ECONOMIC BENEFITS TO AUSTIN. WHY DON'T YOU DO THE RIGHT THING AND KEEP DEVELOPING THE SOUTHEASTERN AREA OF THE CITY. YOU ARE A RESPONSIBLE CITY THAT AUSTINITES CAN BE PROUD TO HAVE IN THE COMMUNITY. TOM BUCKLEY, I'M A RESIDENT OF SOUTHWEST AUSTIN AND STRONGLY OPPOSE FURTHER CORPORATE EXPANSION ON ARREST NEAR THE ENVIRONMENTALLY SENSITIVE EDWARD'S AQUIFER REGION. THIS AUSTIN TREASURE MUST BE PRESERVED AND PROTECTED AND NO CORPORATE ENTITY, NO MATTER WHAT LEVEL OF INVESTMENT AND/OR PRESENCE IN AUSTIN, CAN SUPERSEDE THE FUNDAMENTAL NECESSITY TO KEEP THE AQUIFER REGION AS PRISTINE AS POSSIBLE. BUILD ELSEWHERE. CONCERNED RESIDENT IN THE HIGH-TECH INDUSTRY. KIM WEST, PLEASE RECONSIDER YOUR MOVE TO LAN TAN IN A. OUR SEGMENT OF THE HILL COUNTRY IS INUNDATED WITH DEVELOPMENT. KATHLEEN GREEN, THE EDWARD'S AQUIFER IS SUCH A RICH RESOURCE FOR THIS AREA THAT I HOPE WE WILL BE SEEN AS INTELLIGENT STEWARDS FOR THIS GIFT IN 500 YEARS. ARE WE GOING TO GO DOWN IN HISTORY FOR BEING GOOD STEWARDS OR MULTIPLE BIG BOX STORES AND AMD'S THAT COULD LOCATE ELSEWHERE. I WOULD LIKE TO POINT OUT 1300 PEOPLE WHO HAVE SIGNED THIS PETITION LIVE IN OAK HILL. THERE ARE FEW HERE WHO WANT AMD. 1300 ARE ASKING AMD NOT TO GO TO THEIR AREA IN ADDITION TO 16,000. THANK YOU. [APPLAUSE]

SARAH BAKER. WELCOME. YOU WILL HAVE THREE MINUTES AND BE FOLLOWED BY MARY ARNOLD.

THANK YOU, MAYOR AND COUNCIL. MY NAME IS SARAH BAKER. NINE MONTHS AGO AMD ANNOUNCED IT WOULD BREAK WITH COMMUNITY TRADITION AND LOCATE ITS MAJOR EMPLOYMENT CENTER IN THE HEART OF THE

BARTON SPRINGS WATERSHED. SINCE THAT ANNOUNCEMENT I'VE BEEN TALKING TO PEOPLE ALL OVER AUSTIN ABOUT THIS MOVE AND HOW THEY FEEL ABOUT IT. BASED ON MY CONVERSATIONS, THERE'S AN OVERWHELMING CONSENSUS THAT THE BEST THING WE AS A CITY CAN DO FOR OUR ECONOMY AND OUR QUALITY OF LIFE IS TO PROTECT BARTON SPRINGS AND PROSECUTE VENT THIS MOVE -- PREVENT THIS MOVE BY AMD. I WOULD LIKE TO READ SOME OF THE COMMENTS IN THE PETITION THAT'S BEEN SIGNED BY 16,000 PEOPLE. WARREN LEE SAYS BARTON SPRINGS IS A BEAUTIFUL, NATURAL RESOURCE THAT WAS HERE LONG BEFORE CORPORATE AMERICAN GREED. KEEP IT UNTAINTED AND BEAUTIFUL FOR YEARS TO COME. DON (INDISCERNIBLE), ONE OF THE REASONS COMPANIES LIKE AUSTIN IS THE PEOPLE WHO LIVE HERE, THE PEOPLE WHO LIVE HERE LOVE AUSTIN BECAUSE OF WONDERFUL PLACES LIKE BARTON SPRINGS. PLEASE JOIN OUR COMMUNITY. AMY MARTIN, AS A RESIDENT OF THE EAST SIDE, I ASK THAT YOU KEEP YOUR BUSINESS AND JOBS EASILY ACCESSIBLE TO THOSE MOST IN NEED OF WHAT AMD CAN OFFER THE COMMUNITY. MALLORY ROLGHTS SAYS THIS IS OUR HOME. IF YOU WANT A SUCCESSFUL BUSINESS BUILT WITHIN OUR HOME YOU MUST LISTEN TO OUR VERY REASONABLE REQUEST. PLEASE FIND A SITE FOR AMD OUTSIDE THE VERY SENSE SIEVE BARTON SPRINGS WATERSHED. BARTON SPRINGS IS VITAL TO OUR LIVES AS AUSTIN CITIZENS. I AM CERTAIN AS A COMMUNITY WE CAN FIND THE BEST LOCATION FOR AMD. RICHARD COSTELLO SAYS I WAS BORN AND RAISED IN AUSTIN. I'VE WATCHED AUSTIN GROW FROM A SLEEPY MID SIZED TOWN IN THE MID 60'S TO THE LARGE CITY THAT IT IS TODAY. I STILL LOVE AUSTIN AND ENJOY EVERYTHING THAT THE CENTRAL TEXAS HILL COUNTRY HAS TO OFFER MY FAMILY. IN MY OPINION, ZILKER PARK'S THE CROWN JEWEL OF AUSTIN'S PARKS AND BARTON SPRINGS IS ITS CENTERPIECE. MY CHILDREN ENJOY THAT AND IT MUST BE PRESERVED FOR FUTURE GENERATIONS. THERE'S OVERWHELMING CONSENSUS THAT THE SECONDARY DEVELOPMENT CAUSED BY AMD, AMD'S MOVE WILL MAKE TRAFFIC WORSE, INCREASE SPRAWL AND ULTIMATELY KILL THE SPRINGS. TODAY I ASK YOU, OUR COUNCIL, TO TAKE THE ACTION THE COMMUNITY IS ASKING FOR, BEGGING FOR, TO BE REAL COMMUNITY LEADERS AND

STAND UP FOR WHAT AUSTIN STANDS FOR. YOUR COUNCIL PREDECESSORS AND OUR COMMUNITY LEADERS HAVE WORKED HARD FOR DECADES TO ESTABLISH AUSTIN'S REPUTATION AS A NATIONWIDE BUSINESS, EDUCATION AND ENVIRONMENTAL LEADER. SPEAKING OUT AND STANDING UP TO AMD WILL NOT HURT THAT REPUTATION OR OUR OPPORTUNITIES, BUT WILL MAKE US STRONGER AS A COMMUNITY. IT'S NOT TOO LATE AND THIS IS NOT A DONE DEAL. HIGH-TECH COMPANIES ARE NIMBLE AND CAN CHANGE PLANS QUICKLY. [BUZZER SOUNDS] IF YOU LOOK DOWN THE STREET AT THE INTEL SKELETON, THAT'S A VERY GOOD EXAMPLE OF HOW QUICKLY PLANS CAN CHANGE. THERE'S STILL TIME FOR YOU TO REPRESENT OUR COMMUNITY TRADITION AND SAVE THE SPRINGS. [APPLAUSE]

Mayor Wynn: THANK YOU, MS. BAKER. WELCOME MARY ARNOLD. YOU HAVE THREE MINUTES AND BE FOLLOWED BY CAROL ANNE ROSE KENNEDY.

GOOD AFTERNOON, MAYOR WYNN AND MEMBERS OF THE CITY COUNCIL. IT'S INDEED DISAPPOINTING THAT AMD IS UNWILLING TO RECOGNIZE AND TAKE RESPONSIBILITY FOR THE SECONDARY GROWTH THAT WILL BE SPURRED IF THEY MOVE TO LANTANA AND THE BARTON SPRINGS ZONE. WE KNOW FROM THE MOTOROLA EXPERIENCE THAT HAVING A MAJOR EMPLOYER IN THE BARTON SPRINGS ZONE DRAWS THEIR EMPLOYEES TO LIVE CLOSER TO THEIR WORK. WE HAVE SEEN THE GRAPHIC SHEETS SHOWING DOTS FOR ALL THE MOTOROLA EMPLOYEES LIVING IN THE BARTON SPRINGS ZONE. RESIDENTIAL HOUSING IN AUSTIN'S BARTON SPRINGS ZONE, BOTH BUILT AND UNBUILT, HAS BEEN GRANDFATHERED FROM THE S.O.S. ORDINANCE AND THUS OVERLY CONTRIBUTES TO WATER QUALITY DEGRADATION OF THE BARTON SPRINGS, EDWARD'S AQUIFER. AMD IS NOT ACTING AS A RESPONSIBLE CORPORATE CITIZEN OF AUSTIN BY CONTINUING ITS PLANS TO LOCATE IN THE BARTON SPRINGS ZONE. PLEASE ADD YOUR VOICES PUBLICLY TO SAY THAT WE DON'T WANT AMD OR OTHER MAJOR EMPLOYERS IN THE BARTON SPRINGS ZONE. THANK YOU VERY MUCH. [APPLAUSE]

Mayor Wynn: THANK YOU. CAROL ANNE ROSE KENNEDY?

WELCOME. YOU WILL HAVE THREE MINUTES AND YOU WILL BE FOLLOWED BY LAUREN ROSS.

THANK Y'ALL FOR HAVING ME. I'M LOOKING FOR SOME NUTS. I DON'T HAVE ANY AND I CAN'T BUY THEM. I HAVE FOUR QUESTIONS FOR ALL OF Y'ALL. SEVERAL OF Y'ALL HAD MY VOTE. YES OR NO: IF YOUR ANSWER'S YES, I WOULD APPRECIATE IT IF YOU WOULD RAISE YOUR HAND. IF YOU DON'T RAISE YOUR HAND, I'M GOING TO ASSUME THAT YOUR ANSWER IS NO. DO YOU HAVE THE GUTS TO CALL MY TEENAGER AND TELL HIM I WON'T BE HOME FOR DINNER? DO YOU HAVE THE GUTS TO CALL MY MOTHER AND TELL HER I WON'T BE HOME FOR CHRISTMAS? I'LL GIVE YOU ANOTHER CHANCE. MIGHT YOU FIND THE GUTS BY THE END OF THE FISCAL YEAR? THIRD QUESTION: DO YOU HAVE THE GUTS TO CALL MY HUSBAND AND TELL HIM I WON'T BE HOME TONIGHT? LAST QUESTION: DO YOU HAVE THE GUTS TO STOP PAYING FEDERAL INCOME TAX? FIRST THING TOMORROW. I HAVE W-4'S. THANK YOU.

Mayor Wynn: THANK YOU, MS. KENNEDY. LAUREN ROSS, WELCOME. YOU WILL HAVE THREE MINUTES AND BE FOLLOWED BY JAKE BILLINGSLEY.

GOOD AFTERNOON, MAYOR WYNN AND COUNCILMEMBERS. MY NAME IS LAUREN ROSS. I'M AN ENVIRONMENTAL ENGINEER AND I HAVE BEEN WORKING FOR THE LAST 15 YEARS ON THE PROTECTION AND PRESERVATION OF BARTON SPRINGS. SO I'M HERE TODAY TO REMIND YOU OF SOME OF THE SCIENCE THAT'S RELEVANT BY THE DECISION OF AMD TO RELOCATE ON THE BARTON SPRINGS CONTRIBUTING ZONE. I CONTINUE TO BE SURPRISED ABOUT HOW MUCH WE STILL DON'T KNOW ABOUT THE SCIENCE OF POLLUTION MIGRATION IN THE BARTON SPRINGS ZONE. FOR EXAMPLE, ONE OF THE POLLUTANTS THAT WOULD BE GENERATED BY AMD IS NITROGEN. AND WE HAVE ABSOLUTELY NO INFORMATION ON THE EFFECTS OF NITROGEN LOADINGS ON NATIVE VEGETATION, EVEN THOUGH THE AMD PROJECT PROPOSES TO IRRIGATE SEVERAL TENS OF ACRES OF NATIVE IRRIGATION. WE HAVE EXTENSIVE DEVELOPMENT OVER THE THIN SOILS, THE STAIRSTEPPED, ROCKY GLEN ROSE LIMESTONE, AND NEITHER THE CITY NOR THE STATE NOR THE PRIVATE

DEVELOPERS HAVE DEVELOPED ANY INFORMATION ABOUT HOW MUCH OF THE STORM EFFLUENT WE CAN SAFELY IRRIGATE ON THAT TYPE OF TOPOGRAPHY. WE ALSO DON'T KNOW HOW MUCH OF THE POLLUTION THAT WE ARE SEEING IN BARTON SPRINGS IS COMING FROM LEAKING CENTRAL SEWER LINES LIKE THOSE THAT ARE PROPOSED TO SERVE AMD. I CAN ALSO TELL YOU FROM MY PERSONAL EXPERIENCE THAT EVEN WHEN WE PUT ENGINEERING DESIGNS BASED ON THE BEST INFORMATION MATERIAL IN PLACE, THAT THIS COMMUNITY, NEITHER THE BUSINESS COMMUNITY NOR THE CITY, HAS THE ATTENTION SPAN, THE BANDWIDTH, THE CAPACITY TO KEEP THOSE SYSTEMS BUILT AND OPERATED AS DESIGNED. I'M NOT GOING TO NAME NAMES HERE, BUT I CAN TAKE YOU TO THE SYSTEMS OF THE BEST CORPORATE CITIZENS IN AUSTIN AND SHOW YOU THAT EVERY TIME IT RAINS THOSE SYSTEMS HAVE FAILED. TOM SCHUYLER, WHO IS PROBABLY THE LEADING AUTHORITY ON WATER QUALITY CONTROLS IN THE UNITED STATES BASED ON MANY, MANY YEARS OF RESEARCH, IS NOT SURE THAT THEY MAKE ANY DIFFERENCE AT ALL IN THE PROTECTION OF OUR ENVIRONMENT. WE'RE SEEING THE CONSEQUENCES OF THE DEVELOPMENT AND THESE FAILURES ALREADY IN BARTON SPRINGS. WE'RE SEEING NITROGEN CONCENTRATIONS THAT ARE HIGHER THAN THE NATURAL LEVELS IN THE EDWARD'S AQUIFER, WE'RE SEEING INCREASING LEVELS OF PESTICIDES. [BUZZER SOUNDS] LET ME JUST CONCLUDE BY SAYING, NOT OUR BEST SCIENCE, NOT OUR BEST LAW, NOT OUR BEST ENGINEERING CAN PROTECT THIS FRAGILE ENVIRONMENT FROM THE TYPE OF DEVELOPMENT THAT AMD IS PROPOSING. THANK YOU. [APPLAUSE]

Mayor Wynn: THANK YOU. JAKE BILLINGSLEY. WELCOME. YOU WILL HAVE THREE MINUTES AND BE FOLLOWED BY PAT JOHNSON.

MAYOR, COUNCIL, AS I'VE INDICATED TO YOU IN THE LAST COUPLE OF DAYS IN SOME E-MAILS I'VE SENT, MY LIFE AND HOUSE ARE AT EXTREME RISK RIGHT NOW. AND I'VE COME TO YOU TODAY TO TALK A LITTLE BIT ABOUT THAT, BUT ALSO TO REMIND YOU ABOUT DR. MARTIN LUTHER KING'S BIRTHDAY AND THE MEANING OF WHAT HE HAD TO SAY TO OUR NATION. AND HE WAS A CRU SAIDER NOT JUST FOR

RACIAL INJUSTICE, BUT FOR ALL SOCIAL INJUSTICE. AND I'VE BEEN READING HIS SPEECH FROM THE -- HIS LETTER FROM THE BIRMINGHAM COUNTY JAIL THAT HE WROTE TO LEADERS OF CHURCHES CRITICAL OF HIM FOR HIS NON-VIOLENT PROTEST IN RESPONSE TO THE SEGREGATION IN THE SOUTH. AND I RECOMMEND IT TO EVERYONE BECAUSE THERE'S SOME VERY THOUGHTFUL AND PROVOKING IDEAS HERE STILL YET TODAY, AND I WOULD ENCOURAGE YOU TO DO THAT. DR. KING SAYS, WE ARE ALL CAUGHT IN AN INESCAPABLE NETWORK OF MUTUALITY DECIDE IN A SINGLE GARMENT OF DESTINY. AND I HAVE A DREAM JUST LIKE DR. MARTIN LUTHER KING, AND THAT DREAM IS NOT THE OLD BIBLICAL SAYING THAT THE FIRST SHALL BE LAST AND THE LAST SHALL BE FIRST. MY DREAM IS THAT THE LAST AND THE FIRST WILL BE TREATED EQUALLY. THAT THE OWE PRESSER WILL -- OPPRESSOR WILL STOP OPPRESSION AND THAT THE ABUSED WILL STOP BECOMING THE ABUSER. THE CONSTITUTION OF THE UNITED STATES PROVIDES A GUARANTEE FOR LIFE, LIBERTY AND THE PURSUIT OF HAPPINESS. AND AS A LEGALLY DISABLED PERSON, I'M ALSO SUPPOSED TO BE PROTECTED UNDER THE AMERICANS WITH DISABILITIES ACT, BUT THERE ARE A NUMBER OF THINGS THAT THE CITY GOVERNMENT AND OTHERS IN THE CITY HAVE DONE THAT ARE JUST IN VIOLATION OF MY RIGHTS AND PUT MY LIFE MORE AT RISK. AND I'M A NON-VIOLENT PERSON, JUST LIKE MARTIN LUTHER KING. AND I'VE NEVER THREATENED ANYONE WITH ANY DAMAGE TO THEIR PERSONS OR ANYONE WITH ANY DAMAGE TO THEIR PROPERTY NOR HAVE I THREATENED TO DO DAMAGE TO MYSELF. AT TIMES WHEN I HAVE BEEN UP HERE I FEEL LIKE AT TIMES AND IN RESPONSES TO SOME OF MY CONCERNS, I DON'T FEEL LIKE STAFF HAS ALWAYS BEEN COMPLETELY TRUTHFUL. I THINK THAT SOME OF THE THINGS THEY'VE SAID HAVE BEEN MISLEADING, AND I WOULD LIKE THE OPPORTUNITY TO DISCUSS THESE MORE IN-DEPTH WITH YOU AT SOME POINT. DR. KING REMINDS US THAT INJUSTICE ANYWHERE IS A THREAT TO JUSTICE EVERYWHERE. [BUZZER SOUNDS] AND HE ALSO REMINDS US THAT AS INDIVIDUALS WE ARE MORE MORAL THAN WE ARE AS GROUPS. THAT GROUPS TEND TO BE MORE IMMORAL THAN OUR MORAL STANDARDS THAT WE HOLD AS INDIVIDUALS. AND I THINK THIS IS TRUE FOR BURR ROCK ACCURACY SUCH

AS THE CITY. FREEDOM IS NEVER GIVEN BY THE OPPRESSOR, IT HAS TO BE ASKED FOR BY THE OPPRESSED. JUSTICE DELAYED OR ACCOMMODATIONS, MY NEEDS DELAYED BY THE CITY OF AUSTIN IS JUSTICE DENIED. YOU SAY WAIT TIME. TIME IS SOMETHING USED AS A DELAY TO GRANT PEOPLE THEIR RIGHTS AND I APPRECIATE THAT THINGS TAKE TIME.

Mayor Wynn: PLEASE CONCLUDE, MR. BILLINGS, YOUR TIME HAS EXPIRED.

WELL, THEY'RE UNJUST LAWS, TOO. I BEG YOUR FORGIVENESS ON THIS. THERE ARE JUST AND UNJUST LAWS, AND DR. KING BRINGS AN EXAMPLE OF THOSE AS THE LAWS AGAINST THE JEWS AND HITLER'S GERMANY. AND ALTHOUGH THOSE WERE LAWS, THEY WERE UNJUST LAWS. NOW, ONE OF THE PROBLEMS THAT'S BEEN PLAGUING ME IS THE TRAIN NOISE AT NIGHT, THE TRAIN HORNS AT NIGHT, MAYOR. AND IN JUNE OF 2002 THE CITY COUNCIL VOTED AND INSTRUCTED THE CITY MANAGER TO PREPARE A REPORT ON THE IMPLEMENTATION OF A TRAIN QUIET ZONE, YOU IDENTIFIED THE NUMBER OF CROSSINGS, TO IDENTIFY THE COSTS, AND TO COME UP WITH THE ORDINANCE. THAT HASN'T BEEN DONE, AND I WOULD LIKE FOR THAT TO HAPPEN VERY QUICKLY.

Mayor Wynn: MR. BILLINGS, THANK YOU.

MAYOR, IF I MIGHT FOR JUST A MINUTE -- I JUST BEG YOUR INDULGENCE AND I'LL WRAP THIS UP.

Mayor Wynn: MR. BILLINGS, YOU ARE WELCOME TO SEND CORRESPONDENCE TO ANY MEMBERS OF COUNCIL, MYSELF, BUT WE HAVE OUR RULES HERE TO TRY TO MAKE --

I UNDERSTAND. GIVEN MY DISABILITIES, MAYOR, JUST GRANT ME A MOMENT MORE AND I WILL CONCLUDE.

Mayor Wynn: HOW LONG DO YOU DEFINE A MOMENT?

COULD YOU GIVE ME JUST -- 60 SECONDS MORE.

Mayor

Mayor Wynn: MAYOR 60 SECONDS,.

Futrell: AND THEN I WILL ASK MIKE MCDONALD TO MEET WITH MR. BILLINGSLY TO AND REPORT BACK TO ME AND THEN I WILL MEET WITH Y'ALL.

SIX MONTHS AGO THE AUSTIN HOUSING COUNCIL SHOULD HAVE FINISHED THE REHAB OF MY HOUSE. THEY HAVE NOT. THAT IS VERY IMPORTANT IN MY REHABILITATION PLAN AND IMPORTANT TO PROTECT ME FROM THE NOISE THAT'S BOTHER SOME FOR ME. AUSTIN ENERGY HAS SHUT OFF MY POWER WITHOUT NOTICE, AND I'VE ASKED THEM AND I'VE ASKED THE CITY MANAGER TO CONSIDER THE EFFECT THAT THE VARIOUS DISPARATE PARTS OF CITY GOVERNMENT, THE NEGATIVE EFFECT THEY'RE HAVING ON ME. THE POLICE HAVE BEEN TO MY HOUSE TWICE NOW HARASSING ME THIS WEEK ABOUT THIS, AND WE'RE THREATENING TO ARREST ME AS A VICTIM FOR WHEN I WAS BEING ABUSED FOR USING PROFANE LANGUAGE. NOW, I FIND THAT QUITE OBJECTIONABLE, MAYOR. I FEEL AS THOUGH WHEN I AM BEING ASSAULTED I HAVE A RIGHT TO COMPLAIN ABOUT IT, I HAVE A RIGHT TO CALL 911 AND I SHOULD NOT EXPECT POLICE TO COME TO MY DOOR AND THREATEN TO ARREST ME IF I CALL 911. I TOLD THEM, GO AHEAD, MAKE MY DAY. AND THEY DIDN'T. AND THEY'VE BEEN BACK TIME AND TIME AGAIN THREATENING TO ARREST ME. AND I SAY COME BACK WITH A WARRANT OR GO AWAY AND LEAVE ME ALONE. NOW, I WOULD LIKE TO TALK MORE WITH CHIEF MCDONALD ABOUT THIS, I WOULD LIKE FOR THE CITY MANAGER TO ARRANGE A MEETING WITH VARIOUS DEPARTMENTS BECAUSE THERE ARE A NUMBER OF DEPARTMENTS HERE THAT ARE PUTTING MY LIFE AT RISK, AND THANK YOU VERY MUCH FOR YOUR -- PERSONALLY MAYOR, FOR YOUR OFFICE'S UNDERSTANDING AND COMPASSION AND TOLERANCE AT SOMETIMES MY ABRASIVE BEHAVIOR. PART OF THAT IS DUE TO MY BRAIN DAMAGE, AND I THINK I DESERVE THAT RECOGNITION AND RESPECT AS A DISABLED AMERICAN. THANK YOU VERY MUCH.

MR. BILLINGSLY, RIGHT BEHIND YOU, MIKE IS STANDING BY TO TALK TO YOU. HE'S RIGHT THERE AT THE END OF THE

CORRIDOR.

Mayor Wynn: THANK YOU, CHIEF MCDONALD. THE LAST SPEAKER IS MR. PAT JOHNSON. WELCOME, PAT. APPRECIATE YOUR PATIENCE. YOU WILL HAVE THREE MINUTES.

COUNCIL, YOU KNOW, THE LONGHORNS WINNING THAT ROSE BOWL WAS A MAJOR THING FOR AUSTIN, IT PUT US IN THE SPOTLIGHT, BUT A.P.D. PARTICIPATING DURING THAT ROSE BOWL, THAT WAS A WONDERFUL EVENT. WE HAVE TWO PROFESSIONAL ORGANIZATIONS PARTICIPATING TOGETHER FOR THE SOLE PURPOSE OF HIRING POLICE OFFICERS -- MINORITIES TO PROTECT OUR CITIZENS. YOU KNOW, I THOUGHT ABOUT TODAY WHAT I WAS GOING TO TALK ABOUT THE LAST COUPLE OF DAYS, AND OF COURSE THERE'S SO MANY THINGS I WANT TO SPEAK ABOUT, BUT WE'VE GOT A WHOLE YEAR TO ADDRESS THAT. BUT I WAS TALKING TO PURCHASING AND I'VE TALKED TO SEVERAL PEOPLE, ON THE SCORING SYSTEM WHEN Y'ALL AWARD CONTRACTS. THERE'S NOT A LINE ITEM THERE ABOUT BUSINESS ETHICS, BUSINESS ETHICS. A LOT OF COMPANIES CAN DO THINGS, BUT DO THEY REALLY HAVE STRONG BUSINESS ETHICS? BUSINESS ETH ETHICS IN THE FORM OF SAY DOES THIS COMPANY -- DO WE CHECK TO SEE THAT THIS COMPANY IS UP TO DATE ON SALES TAX COLLECTIONS? BECAUSE SALES TAX IS WHAT WE DEPEND ON IN OUR CITY TO PROVIDE SERVICES FOR OUR CITIZENS. BUSINESSES -- CERTAIN CITY CONTRACTORS THAT OUR TAX DOLLARS ARE BEING PAID TO ARE ENGAGING IN ORGANIZED CRIME. THEY MAY NOT BE ENGAGING IN ORGANIZED CRIME ON THE CONTRACT THAT WE HAVE WITH THEM, BUT WITHIN THEIR BUSINESS ORGANIZATION AND THEIR DAILY OPERATIONS, THEY ARE ENGAGED IN ORGANIZED CRIME. IT'S REALLY OBVIOUS. I DON'T THINK IT'S ETHICALLY RIGHT THAT TAX DOLLARS IS PAID TO ANY BUSINESS THAT ENGAGES IN ORGANIZED CRIME THAT OUR CITIZENS ARE THE VICTIMS. THIS BEING SAID, I BROUGHT THIS POINT UP LAST YEAR AND FINALLY BUILDING SERVICES GOT RID OF THAT TOWING COMPANY, BUT CENTRAL PARKING DECIDED TO GET IN BED WITH ANOTHER TOWING COMPANY AND ACCEPT THE FINANCIAL BENEFIT. HAD CENTRAL PARKING PURCHASED THOSE RED AND WHITE TOWING SIGNS BY STATUTE ON

THEIR PRIVATE PARKING LOTS, I'M SURE ASSURED TOWING WOULDN'T HAVE TOOK THEM DOWN. BUT THEN AGAIN, THEY HIRED J AND J TOWING TO TOW OFF OUR PROPERTY OFF THEIR PRIVATE PARKING LOTS AND THEY'RE THE SAME TOWING COMPANY TOWING UNDERNEATH THE BRIDGES OVER THERE AND THEY OWE THE STATE COMPTROLLER SO MUCH MONEY IT'S JUST MIND BOGGLING, JUST LIKE A LOT OF COMPANIES DO, BUT YET WE CONTINUE TO USE OUR TAX DOLLARS TO PAY A BUSINESS TO ENGAGE IN ORGANIZED CRIME. COUNCIL, WE HAD A GOOD YEAR LAST YEAR. I'M SURE 2006 IS GOING TO BE A GOOD YEAR FOR THE CITY OF AUSTIN. I WOULD JUST ASK THAT YOU JUST HOLD OFF ON ALL THIS ANNEXATION BECAUSE WITH ANNEXATION WE HAVE TO HAVE SERVICES AND EMPLOYEES TO PROVIDE THOSE SERVICES. OUT WHERE I LIVE, OUT OFF RIVERSIDE DRIVE, THE OTHER SIDE OF VARGAS, WE'RE SEEING THE EFFECTS OF WHAT THE ANNEXATIONS HAS DONE FOR POLICE PROTECTION. BECAUSE IT GETTING AWFUL BAD OUT THERE. BUT WE'RE GOING TO START A NEIGHBORHOOD WATCH PROGRAM AND I THINK THAT WE MAY BE ABLE TO DO SOMETHING. I WANT TO THANK YOU, MAYOR, CITY MANAGER, YOU'VE DONE AN EXCELLENT JOB, YOU'RE WEARING A NICE DRESS TODAY, A LOT BETTER THAN THE ONE I COMPLAINED ABOUT WEARING THAT SKINTIGHT SHIRT LOOKED LIKE A TOPLESS DANCER, BUT YOU SAY YOU DON'T HAVE A DRESS CODE. I DON'T SEE ANYBODY COMING UP HERE WITH NO BRA ON, ALTHOUGH I'VE SEEN JENNIFER OVER A COUPLE OF TIMES, SHE WOULD SIT BY DANNY THOMAS UP THERE, SITTING UP THERE WEARING NO BRA. I THINK SHE WAS DOING THAT FOR DANNY. BUT Y'ALL HAVE A GOOD YEAR. LET'S HAVE A GOOD YEAR AND LET'S TAKE IN HINDSIGHT. THINK ABOUT WHAT YOU VOTE ON. THINK ABOUT HOW IT'S GOING TO BENEFIT ALL THE CITIZENS, NOT JUST A SELECT FEW. THANK YOU.

Mayor Wynn: THANK YOU, MR. JOHNSON. SO COUNCIL, THAT CONCLUDES THE CITIZEN COMMUNICATION. AND WITH NO MORE DISCUSSION ITEMS PRIOR TO OUR 2:00 O'CLOCK BRIEFINGS AND NO MORE EXECUTIVE SESSION ITEMS, WE WILL NOW WITHOUT OBJECTION RECESS THIS MEETING OF THE AUSTIN CITY COUNCIL. I EXPECT US TO RECONVENE AT 2:00 P.M. FOR OUR BRIEFINGS, ITEMS 38, 39 AND 40. THANK

YOU VERY MUCH. WE'RE IN RECESS. MAYBE IT'S PSYCHOSOMATIC, I DON'T REALLY CARE, IT'S WORKING, I'M ON THE PATHOGEN. I BEEN CONSIDERING THIS METAPHOR A LOT. REALIZING MY PHYSICAL FITNESS IS A PATH. I THINK THAT I -- OF HOW MUCH LESS TRAVELED MAY PATH HAS BEEN IN RECENT YEARS ACTUALLY. I THINK ABOUT THE PAST IN THE FREEZE CENTER WHERE THE VANILLA BEAN BLUE BELL IS IN FRONT OF THE FROZEN GREEN BEANS. I ACTUALLY START TO THINK THAT I'VE BEEN SITTING ON THE SIDE OF THE PATH FOR A WHILE NOW, BUT I'M ON IT AGAIN. I'M TRAVELLING SLOWLY, PERHAPS, BUT I'M MOVING ALL THE SAME AND CLICHE AS IT MAY SOUND, IT REALLY IS MAKING ALL THE DIFFERENCE. I HAVE NEVER UNDERSTOOD THE NEED TO RUN. NEVER UNDERSTOOD HOW YOU ENGAGE IN SOMETHING SO -- SO MONOTONOUS, SO DESTINATIONLESS. I COULD MORE FULLY UNDERSTAND TRAINING IN A SPECIFIC TEAM SPOT, COMP ACTIVELY ADVANCING IN AN INTERACTIVE REERN, THAT WOULD MAKE SENSE TO ME. THERE'S A SCORE TO KEEP, A TIME LINE, SOMETHING TO WIN. BUT RUNNING AS EXERCISE IS JUST SO -- SO ONGOING. SO ENDLESS. LATELY, HOWEVER, AS I'VE BEEN RUNNING MORE, SOMETHING REALLY WONDERFUL IS SMACKING ME RIGHT BETWEEN THE EYES, IN A WHOLE NEW WAY. IT'S THE JOURNEY, NOT THE DESTINATION, LIFE HAS BEEN DESCRIBED TO ME AS A SERIES OF MOAMENTS. IF YOU LOOK AT IT THAT WAY, RUNNING MAKES PERFECT SENSE. A SORT OF FUNDAMENTAL BEING IN THE MOAMENT. YOU DON'T NEED TO KEEP SCORE WHEN RIGHT NOW IS WHAT MATTERS. YOU CAN FORGET ABOUT TIME LINES WHEN YOU ARE FOCUSED ON WHAT YOU ARE DOING. AND THE REALLY INTERESTING PART, IF YOU ALLOW YOURSELF TO DOWN PLAY DESTINATIONS AND OUTCOMES, ALL OF THE THINGS THAT HAPPEN ALONG THE WAY ARE MADE MORE SIGNIFICANT. IT'S NO LONGER ABOUT JUST BEING ABLE TO RUN A FIVE K OR REACH SOME IDEAL WEIGHT OR STAY ON AN EXERCISE PROGRAM. DON'T GET ME WRONG, GOALS ARE IMPORTANT, I WILL GET TO EVERY ONE OF THOSE, BUT IT'S THE SMALL VICTORIES ALONG THE WAY THAT MAKE REACHING THOSE GOALS MEANINGFUL. IT'S REALIZING THAT I'M STRONGER THAN I THOUGHT AND THAT I CAN EFFECTIVELY CHANGE MY BEHAVIOR. IT'S REALLY CONNECTING WITH MY CO-WORKERS, GETTING A NOTE FROM SUSAN TO REMIND ME

THAT WE ARE ALL IN THIS TOGETHER. THAT'S PRICELESS STUFF. THAT'S SOME STUFF THAT'S GOING TO GIVE A WHOLE NEW DIMENSION TO CROSSING THE TRAIL OF LIGHTS FINISH LINE.

HER EXPERIENCE WAS CERTAINLY NOT UNIQUE, WITH 200 EMPLOYEES PARTICIPATING, IT'S BASICALLY PRETTY TYPICAL OF THE EXPERIENCE THAT -- THAT SHE HAD AND THAT WAS A -- CERTAINLY ACROSS THE BOARD. WHEN STARTING WITH THIS PROGRAM, PUTTING IT TOGETHER, WE STARTED WITH WHAT WE CAN CONTROL. AS AN ORGANIZATION WE CAN CONTRIBUTE TO THE ENABLING FACTORS, EMPLOYEES WERE GIVEN ONE HOUR OF FLEX TIME TO ATTEND ONE OF THESE CLASSES, THE SCHEDULE WAS FREQUENT AND FLEXIBLE. SEVEN CLASSES TOTAL, THREE TIMES A DAY, DIFFERENT LOCATIONS THROUGHOUT THE CITY. THE REINFORCING FACTORS, COACHES PROVIDED BY EXPERTS AND THERE WERE CERTAINLY -- COACHES WERE PROVIDED BY RUN TEX AND CERTAINLY EXPERTS IN THEIR FIELD, THEY SUCCEEDED YEAR AFTER YEAR AT HELPING THOUSANDS OF AUSTINITES GET IN SHAPE. I'M CERTAINLY ONE OF THEM. THE CLASSES WERE ORGANIZED BASED ON ABILITY LEVELS AND THERE WERE EFFORT BASED REWARDS EVERY STEP OF THE WAY. FINALLY, WHEN WE GET DOWN TO INTERNAL FACTORS. AS EACH WEEK PASSED BECAUSE OF THE ORGANIZATIONAL SUPPORT, THE GROUP SUPPORT, SELF CONFIDENCE GREW. DEMOGRAPHICALLY, EMPLOYEES FROM EVERY CITY DEPARTMENT PARTICIPATED. 77%, FEMALE, 23% MALE, AVERAGE AGE WAS 42. BUT MOST IMPORTANTLY, WE HIT OUR TARGET AUDIENCE. 87% MOSTLY SIT AT WORK, 63% WERE OVERWEIGHT AND HALF DID NOT EXERCISE AT ALL BEFORE THIS PROGRAM BEGAN. WE WILL CONTINUE TO FOLLOW EACH COHORT IN ORDER TO EVALUATE LONG-TERM PHYSICAL ACTIVITY. WE MAY BE ABLE TO SEE SIGNIFICANT CHANGES AS IT RELATES TO SICK TIME USES AND PRODUCTIVITY. WE THINK THIS WILL HAVE A LONG-TERM EFFECT BEYOND ITS 12 WEEK LENGTH. ALREADY AS A RESULT OF THIS CLASS, GROUPS OF EMPLOYEES ARE MEETING TOGETHER TO RUN, TO WALK, OUTSIDE OF WORK. FINALLY, OUR NEXT CLASSES STARTING UP SOON IN TWO WEEKS ON FEBRUARY 6. EMPLOYEES INTERESTED IN

PARTICIPATING CAN GO TO THE PE DEPARTMENT WEBSITE ON THE INTERNET OR REGISTER THROUGH TRAINING. I HAVE AN OFFICIAL CITY OF AUSTIN PE DEPARTMENT JERSEY FOR EACH ONE OF YOU, DELIVERED TO YOUR OFFICE, I ENCOURAGE YOU TO COME ON DOWN AND VISIT SOME OF OUR CLASSES SOMETIME OR EVEN SIGN UP FOR YOURSELF. IF YOU ARE INTERESTED, IT'S A FANTASTIC WAY TO GET TO KNOW CITY EMPLOYEES FROM EVERY LEVEL OF THE ORGANIZATION. FROM TOP TO BOTTOM. BUT EVEN BETTER, IT'S NOTHING SHORT OF INSPIRING TO SEE THE PATH THAT THESE EMPLOYEES HAVE CREATED FOR THEMSELVES. THANK YOU. THANK YOU FOR OUR HELP IN PARTNERING WITH US ON THAT PROGRAM.

DEFINITELY, IT COULDN'T HAVE BEEN DONE WITHOUT THEM. THEY WERE ESSENTIAL EVERY STEP OF THE WAY.

MR. GRAY, SO THE PROGRAM, THIS FIRST EFFORT WAS THE 12th WEEK PROGRAM. CULMINATING WITH THE TRAIL OF LIGHTS 5 K. THIS -- THIS GOAL THAT FOLKS HAVE. SO IS IT -- IS THE PROGRAM NOW CONTINUING THROUGHOUT THE YEAR, WE CHOOSE A DIFFERENT RACE OR A DIFFERENT GOAL EVERY THREE TO FOUR MONTHS.

EXACTLY, THAT'S THE GOAL. I THINK THE SECOND ROUND, THE GOAL IS DEFINITELY GOING TO BE THE TEXAS ROUNDUP 5 K AND 10 K. IT'S MEANT FOR GRADUATES OF THE FIRST CLASS IF THEY WOULD LIKE TO STEP IT UP TO A 10 K, ALSO BEGINNERS WHO WOULD LIKE TO TRAIN FOR A 5 K, ALSO FOR WALKERS AND RUNNERS, MAINLY FOR BEGINNERS. IDEALLY IT WOULD BE NICE AFTER THIS PROGRAM COMPLETES IF IT CONTINUES TO BE SUCCESSFUL, TO MAKE THE NEXT EVENT THE MARATHON RELAY, WHICH IS AN EVENT THAT WAS A LOT OF FUN TO DO LAST YEAR. I KNOW ONE PERSON THAT IN THE PE DEPARTMENT, HER GOAL IS TO BE ON A TEAM FOR THE MARATHON RELAY. I THINK AFTER THAT, THAT WOULD BE A GREAT EVENT TO CHOOSE -- TO SHOOT FOR. THEN GO BACK TO THE TRAIL OF LIGHTS AFTER THAT.

I WOULD LIKE TO KNOW WHO THAT PERSON WAS THAT LOST 20 POUNDS IN THE PROGRAM. DOING SOMETHING RIGHT, THAT'S AMAZING. I THINK ANYONE WHO TAKES ADVANTAGE

OF THIS IS SHOWING REAL COURAGE AND SPECIALLY SINCE THE NEW -- I GUESS THE FIRST MEETING FOR THE NEW YEAR, IT'S A GREAT TIME FOR PEOPLE TO SIGN UP. I CERTAINLY HAVE STEPPED UP MY OWN PHYSICAL REGIMEN. I GUESS IT'S A GOOD -- I THINK THIS IS GOING TO BE A REALLY GOOD YEAR FOR A LOT OF US. WE ARE SO BLESSED TO BE IN A CITY THAT HAS SUCH GREAT AMENITIES FOR -- FOR ROWING AND BIKING, THE -- THE TOWN LAKE TRAIL IS OF COURSE VERY POPULAR, ALWAYS INCREASING IN POPULARITY. THE PARKS. THERE REALLY ARE NO EXCUSES FOR ANY OF US, SO THANK YOU FOR HAVING THIS PROGRAM AND FOR REINFORCING FOR ALL OF THE CITY EMPLOYEES, AS WELL AS THE REST OF AUSTINITES OF HOW IMPORTANT PHYSICAL FITNESS IS TO I GUESS OUR OVERALL WELL-BEING. THANK YOU.

FURTHER COMMENTS, QUESTIONS? THANK YOU, MR. GRAY.

THANKS, AARON, NICE JOB.

GREAT PRESENTATION. OUR NEXT BRIEFING, 39, IS A PRESENTATION TO COUNCIL ON THE CITY'S TRAFFIC MANAGEMENT PROGRAM. WE ARE GOING TO HAVE THIS BRIEFING OUR COUNCIL MEETINGS WENT SO LATE -- WELCOME MR. RUDY GARZA, ASSISTANT CITY MANAGER, WHO WILL WALK US THROUGH THE HIGHWAY ENFORCEMENT COMMAND, THE TRAFFIC MANAGEMENT PROGRAM. WELCOME, RUDY.

GOOD AFTER NEWSPAPER, MAYOR, COUNCIL, STIRM. TODAY WE ARE GOING TO PROVIDE YOU A VERY COMPREHENSIVE REPORT ON OUR TRAFFIC STRATEGIES. WE ARE GOING TO OUTLINE FOR YOU EVERYTHING WE DO, SOME OF OUR -- STATISTICS THAT WE'VE HAD ON THE ROADWAY. IT'S AN UNFORTUNATE FACT THAT TRAFFIC ACCIDENTS WILL -- WILL OCCUR. SPECIALLY IN THE GROWING CITY AND AREA LIKE OURS. BUT I CAN ASSURE YOU, YOU ARE GOING TO SEE TODAY, THAT OUR OFFICERS AND OUR -- OUR CITY IS VERY COMMITTED TO KEEPING OUR CITIZENS AS SAFE AS POSSIBLE IN OUR ROADWAYS. WITH THAT, I'M GOING TO INTRODUCE COMMANDER DAVID CARTER, WHO ACTUALLY HEADS OUR HIGHWAY ENFORCEMENT COMMAND.

MAYOR, COUNCIL, I'M DAVID CARTER WITH A.P.D., THE HIGHWAY ENFORCEMENT COMMAND, I'M GOING TO TALK TO YOU BRIEFLY TODAY. GO THROUGH A.P.D.'S PERSPECTIVE ON SPECIALLY A NEXUS BETWEEN TRAFFIC FATALITIES, ALSO TRAFFIC CONGESTION. WE WILL START BY BASICALLY ADDRESSING THE FACT THAT OVER -- A LITTLE OVER A YEAR AGO NOW, THAT CHIEF STAN KNEE FORMED UP A SPECIAL COMMAND TO DEAL WITH THE RISING RATE OF TRAFFIC FATALITIES IN AUSTIN. THAT WAS THE -- THE HIGHWAY ENFORCEMENT COMMAND. IT'S OVERSEEN BY ME. I HAVE BASICALLY FOUR SECTIONS THAT ARE UNDER ME. THAT'S THE HIGHWAY PATROL, AND HIGHWAY RESPONSE SECTION, DWI ENFORCEMENT, VEHICULAR HOMICIDE, TRAFFIC INCIDENTS SECTION. VEHICULAR HOMICIDE INVESTIGATE FATAL COLLISIONS, AIR ENFORCEMENT, HELICOPTERS AS WELL AS THE AIRPLANE. WHEN WE FORMED UP THE COMMAND, WHAT WE DID IS WE TRIED TO THINK ABOUT THE OBJECTIVES THAT ARE IMPORTANT FOR THIS PARTICULAR COMMAND. WE CAME UP WITH THREE IN PARTICULAR. FIRST ONE BEING TRAFFIC SAFETY VIA ENFORCEMENT AND ALSO ACCURATE AND THOROUGH INVESTIGATION OF SERIOUS INJURY AND FATAL CRASHES THAT ARE OCCURRING IN AUSTIN. THE SECOND COMPONENT, WHICH WE KIND OF FELT LIKE THE POLICE DEPARTMENTS WERE A LITTLE BIT BEHIND THE CURVE ON, DEALT WITH EMERGENCY TRAFFIC MANAGEMENT, OR CDR. CDR IS A -- IS A TERM, IT DOESN'T REPRESENT COMMANDER, BUT IT'S SOMETHING VERY SIMILAR TO CLEAR THE DOWN ROADWAY. THE OFFICERS MAY NOT USE THAT EXACT PHRASE, BUT IT'S SOMETHING SIMILAR TO THAT. THE SECOND IS HOMELAND SECURITY ISSUES ON MAJOR THOROUGHFARES, OUR GUYS ACTUALLY OUT ON THE HIGHWAYS IN THE MAJOR THOROUGHFARES CAN EITHER INTERDIKT OR DETECT DANGEROUS PERSONS OR CARGO PASSING INTO OR THROUGH OUR CITY. THAT'S AN ELEMENT THAT WE ARE STILL IN DEVELOPMENT. OUR AREA OF RESPONSIBILITY, THE WAY WE SEE IT IS THAT WHAT WE WANT IT TO DO IS WE WANT IT TO -- TO BE THE -- THE FORE FRONT IN THE AUSTIN POLICE DEPARTMENT TO LOOK AT STRATEGIES TO -- TO REDUCE THE NUMBER OF TRAFFIC FATALITIES OCCURRING IN AUSTIN. THAT WAY WE ARE FREEING UP THE AREA COMMANDERS TO DEAL WITH QUALITY OF LIFE ISSUES AND OTHER CRIME REDUCTION

STRATEGIES WITHIN THEIR AREA COMMAND. AS YOU KNOW THERE ARE NINE AREA COMMANDS IN THE CITY. WE BASICALLY COVER THE WHOLE CITY WITH THESE AREAS OF RESPONSIBILITY. THE WAY WE GO ABOUT DOING THIS, OUR BREAD AND BUTTER, NUMBER ONE, IS ANALYSIS OF DATA, IN TERMS OF GEOGRAPHIC, TEMPORAL AND ALSO DEMOGRAPHIC. BASICALLY WHAT WE DO IS VERY SIMPLE. INTUITIVE IN SOME RESPECTS AS WE ANALYZE THE DATA, FIND OUT WHERE THE PROBLEMS ARE, THEN WE BEST AND MOST EFFICIENTLY DEPLOY OUR RESOURCES TO COMBAT THOSE TRAFFIC FATALITIES. OUR FOCUS, THE HIGHWAY ENFORCEMENT COMMANDS FOCUS TENDS TO BE ON MAJOR CRASH REPETITIVE LOCATIONS. THAT MAY BE FATALITIES, ALSO SERIOUS CRASHES AS WELL. PLACES WHERE INJURY COLLISIONS ARE OCCURRING AT A HIGHER RATE. THIS MAP HERE BASICALLY GIVES YOU AN OVERVIEW. WE LOOKED AT THE PAST FIVE YEARS STARTING IN 2000 TO TRY TO IDENTIFY WHAT WE CONSIDER TO BE HOT SPOTS IN THE CITY REGARDING WHERE TRAFFIC FATALITIES HAVE OCCURRED. LOOKING AT THAT, YOU WILL SEE SOME OF THE THINGS THAT ARE SOMEWHAT INTUITIVE TO YOU. BUT ONE OF THE THINGS THAT I WOULD LIKE TO POINT OUT OR STRONGLY EMPHASIZE THERE IS THE I-35 CORRIDOR, YOU SEE THE CONCENTRATION OF -- OF FATALITIES OVER THE PAST FIVE YEARS. GIVE YOU A -- A LITTLE BIT CLEARER SNAPSHOT OF WHAT'S ACTUALLY OCCURRED OVER THE PAST FIVE YEARS, YOU CAN LOOK AT THIS PARTICULAR CHART HERE, UNDERSTANDING THAT -- THAT IN 2005 WE HAD 59 TRAFFIC FATALITIES. THE YEAR BEFORE WE SUFFERED 73. AND OVER THE PAST FIVE YEARS, ACTUALLY BEFORE THAT, THE NUMBERS WERE KIND OF CLIMBING UP AND SEEMED TO BE, YOU KNOW, AVERAGING IN THE 70'S OTHER THAN IN 2003 WHICH WE ONLY SUFFERED 52. WHAT WE LOOK AT, ALSO, IN 2005 IS YOU ARE LOOKING AT 8.6 FATALITIES PER 100,000 POPULATION. VERSUS 04 THE 10.7, THOSE ARE SOME OF THE BENCHMARKS THAT WE LOOK AT TO TRY TO GET AN IDEA OF WHETHER OUR PROGRAMS ARE WORKING. ONE OF THE THINGS THAT WE KNOW, WHEN YOU HAVE A TRAFFIC FATALITY THERE'S NO -- NO MEASURE, THERE'S NO COST ON THE MOACIAL EMOTIONAL IMPACT TO FAMILY AND FRIENDS THAT HAS BEEN KILLED. ONE OF THE THINGS TO STRESS IS THAT TRAFFIC FATALITIES COST

AUSTIN A CONSIDERABLE AMOUNT OF MOAN. IF YOU LOOK AT NATIONAL HIGHWAY SAFETY TRANSPORTATION ADMINISTRATION DATA, WHEREAS THE AVERAGE FATAL ACCIDENT IN THIS COUNTRY COSTS ABOUT -- ABOUT YOU KNOW JUST SHORT OF A MILLION DOLLARS, 977,000, OR A LITTLE BIT MORE THAN A MILLION DOLLARS, WE FIGURE THIS IS MOAN THAT COULD BE BETTER SPENT ELSEWHERE. WE LOOK IN THE COUNTRY, \$230 MILLION OF ECONOMIC LOSS. WHAT THAT IS IS NOT DIRECT COSTS, BUT IT'S THINGS SUCH AS -- UNINTENDED COSTS, TRAVEL DELAY COSTS, PROPERTY DAMAGE OBVIOUSLY, A VARIETY OF OTHER THINGS. CLOSE TO 20 BILLION IN TEXAS. WE LOOK AT AUSTIN IN 2004, THIS IS STRICTLY AN ESTIMATE WHERE WE ARE USING THE DATA IN ADDING UP. THE ECONOMIC IMPACT TO AUSTIN WAS 163.57 MILLION. THAT'S MORE OR LESS BECAUSE THAT IS KIND OF AN ESTIMATE. THE IDEA IS THAT WE WANT TO SAY YES THERE'S AN MOACIAL IMPACT, BUT -- AN EMOTIONAL IMPACT AND LOSS TO OUR CITY. YOU CAN STRAP PLATE THAT OUT TO A 10 YEAR PERIOD, YOU CAN SEE OUR ECONOMIC IMPACT IS OVER A BILLION DOLLARS. I'M TALKING ABOUT WITHIN THE CONFINES OF THE CITY OF AUSTIN, A NATIONAL PROBLEM. THE HIGHWAY ENFORCEMENT COMMAND STRIVES TO BE DATA DRIVEN. WHAT YOU SEE HERE IS A CHART. I'M NOT GOING TO EXPLAIN ALL OF THE DETAILS OF IT. I WANT TO DEM DELAMORA STRAIGHT WHAT WE ARE LOOKING AT. SNENDZ WE ARE LOOKING AT THE DAYS OF THE WEEK, SOMETIMES OF THE DAY THAT SERIOUS INJURIES ARE OCCURRING. SO WE CAN FIGURE OUT HOW TO DEPLOY OUR FOLKS. THE NEXT CHART INDICATES INJURY CRASH LOCATIONS. WHAT WE HAVE DONE IS TAKING STRECHES OF THE ROADWAY THAT ARE OCCURRING, THAT THROUGHOUT OUR CITY, AND MAPPED THEM OUT IN TERMS OF WHAT WE BELIEVE TO BE AREAS THAT NEED SOME FOCUS. 183 NORTH, THESE ARE HIEMENTED IN YELLOW BECAUSE -- HIGHLIGHTED IN YELLOW, BECAUSE AS WE ARE LOOKING, WE SEE FIVE OR MORE FATAL CRASHES SINCE 2004. THIS IS SIGNIFICANT TO US, AS WE DETERMINE HOW WE ARE GOING TO RESPOND. GIVE YOU A THUMBNAIL SKETCH OF WHAT'S OCCURRED IN 2005 REGARDING FATE TAKE CRASH DATA. FATAL CRASH DATA. 44% OF THE CRASHES INVOLVED IMPAIRMENT OF SOME KIND, MOSTLY ALCOHOL, SOME DRUGS INVOLVED.

MOST CONFIRMED, VEHICULAR HOMICIDE DETECTIVES ALSO SUSPECT THERE'S ALCOHOL INVOLVED IN AT LEAST FIVE ADDITIONAL. THAT PUTS IT AT 53% IF THAT WERE CONFIRMED. THIS IS PRETTY MUCH A NATIONAL TREND OR IT'S A TREND IN TEXAS. IN ANY EVENT THAT ABOUT HALF OF OUR FATALS INVOLVE ALCOHOL. NEXT BULLET POINT SHOWS THAT SLIGHTLY OVER A THIRD INVOLVE SPEED. AND THEN YOU ARE LOOKING AT ALSO A LITTLE OVER A THIRD INVOLVE PEOPLE NOT USING SEAT BELTS. SOME VERY SIMPLE KINDS OF ISSUES. IN TERMS OF MOTORCYCLE FATALITIES, IN 05 THERE WERE 5, TWO OF THOSE INVOLVE PEOPLE NOT WEARING HELMETS. ANOTHER THING THAT WE ARE STARTING TO LOOK AT IS THE ISSUE OF WHAT WE CALL FAIL TO STOP AND RENDER AID, LEAVING THE SCENE OF COLLISIONS, 11% OF THE FATAL CRASHES THAT WE HAD IN 2005 INVOLVED PEOPLE THAT LEFT THE SCENE. ANOTHER PROBLEM AREA. ANOTHER AREA ALSO IS WE HAD -- WE SUFFERED 17 PEDESTRIAN INVOLVED FATAL CRASHES, WHICH IS 29% OF OUR FATALS. THAT NUMBER IS UP. HOWEVER WHAT WE SEE IS THAT THE -- THAT THE PERCENTAGE IS UP FROM THE YEAR BEFORE. BASED ON THE NUMBER -- THE NUMBER WAS FAIRLY CLOSE TO THE YEAR BEFORE, MAYBE ONE OR TWO MORE, BUT OBVIOUSLY THAT'S AN AREA THAT IS OF CONCERN TO US. ADDITIONALLY, OVER 3/4ths OF ALL OF THE FATAL CRASHES DO OCCUR ON THE FREEWAYS AND IMAGINE ARTERIES IN AUSTIN. HENCE THE HIGHWAY COMMAND TENDS TO FOCUS ON THOSE MAJOR THOROUGHFARES. WHAT WE LOOK AT IS WE HAVE BASICALLY TWO BOEM BOEM DEPLOYMENT DEDEPLOYMENT STRATEGIES. THE DRIVING CULTURE AND DRIVING POPULATION IN AUSTIN IS DIFFERENT BETWEEN DAYLIGHT AND AT NIGHTTIME. DURING THE DAYTIME WE ARE DEALING WITH ISSUES OF DRIVER INATTENTION, DISTRACTION. SPEEDING, ISSUES SUCH AS THAT. SO WE RECOGNIZE THAT. THAT ALSO IS THE TIME WHEN WE HAVE OUR TRAFFIC MANAGEMENT PROBLEMS BASICALLY COMING INTO AND OUT OF RUSH HOUR. MORNING AND EVENING. AS A RESULT WE HAVE TWO HIGHWAY PATROL TEAMS, A HIGHWAY RESPONSE TEAM THAT WE DEPLOY AT PEAK PERIODS IN CERTAIN AREAS ON THOSE MAJOR THOROUGHFARES. WE ALSO USE OUR -- OUR AIR ENFORCEMENT ASSETS FOR SPECIFIC DAYLIGHT INITIATIVES

ON -- ON MONITORING SPEED ON SOME OF THE MAJOR THOROUGHFARES AT WHICH WE HAVE -- WHICH WE HAVE -- AIR -- EITHER THE AIRPLANE OR HELICOPTER AT TIMES CATCH PEOPLE TRAVELLING AT A VERY HIGH RATE OF SPEED, THEY REPORT THOSE TO THE UNITS ON THE GROUND. TAKING THAT DATA THAT WE DISCUSSED, AND -- AND SPECIALLY THE HIGHLIGHTED CHART WHICH SHOWS THE STRECHES OF ROADWAY, WHAT WE HAVE DONE IS WE HAVE KIND OF LIKE IDENTIFIED AREAS, WE ARE CALL THEM CRASH REDUCTION ENFORCEMENT ZONES. WE HAVE KIND OF CARVED THE CITY UP, STRECHES OF ROAD ROADWAY THAT ARE WORKABLE FOR THE OFFICERS, WE ASSIGNED THEM TO WORK WITH SPECIFIC KIND OF TRAFFIC ENFORCEMENT OBJECTIVES IN MIND. THE OTHER THING THAT THE HIGHWAY ENFORCEMENT COMMAND DOES, WE FREQUENTLY WORK WITH THE AREA COMMAND MOTORS FROM THE NINE DIFFERENT AREA COMMANDS TO COME AND WORK WITH US FOR SPECIFIC INITIATIVES. CURRENTLY WE ARE DOING IT ONE DAY A WEEK. WE DIVIDE THOSE MOTOR UNITS UP INTO THREE DIFFERENT TEAMS AND WORK EITHER NORTH, CENTRAL OR SOUTH BUREAUS. THE NIGHTTIME DEPLOYMENT STRATEGY , BASICALLY 50% OF -- 55% OF ALL SERIES INJURY AND FATALS OCCUR BETWEEN 8:00 P.M. AND 8:00 A.M. THE BOTTOM LINE IS THAT'S WHAT WE HAVE THE MAJORITY OF ALCOHOL AND DRIVER IMPAIRED ISSUES. THEREFORE WE HAVE TWO DWI ENFORCEMENT TEAMS, A HIGHWAY RESPONSE TEAM DEPLOYED IN DIFFERENT FOCUS AREAS. WE DON'T NECESSARILY GO AFTER THOSE CRASH REDUCTION ENFORCEMENT ZONES IN THE SAME WAY WE DO DURING THE DAYTIME. WE HAVE -- WE WILL GO AFTER GEOGRAPHIC AREAS A LITTLE BIT MORE. AS AN EXAMPLE, THIS IS A -- THIS IS A -- AN INITIATIVE WE DID LAST SUMMER. WHEREAS WHAT WE DID, WE LOOKED AT WHERE THE DWI'S WERE OCCURRING. WE COULD OVERLAY TRAFFIC FATALITIES ALSO WITH WHERE A LOT OF DWI ACTIVITY WAS EITHER OCCURRING OR BEING REPORTED. AND SO WE FOCUSED ON THREE DISTINCT AREAS. NORTH CENTRAL AREA COMMAND, DOWNTOWN AREA COMMAND, SOUTH CENTRAL AREA COMMAND. AGAIN, WE DID THAT ON -- FOR ABOUT THREE MONTHS LAST SUMMER. ENFORCE -- AIR ENFORCEMENT. THE TWO THINGS TO KNOW, WHETHER IT'S AIRPLANE OR HELICOPTERS, THEY HAVE -- SERVE TWO

FUNCTIONS IN -- IN HIGHWAY ENFORCEMENT. NOT ONLY DO THEY MONITOR AND LOCATE AGGRESSIVE DRIVERS THAT ARE ENDANGERING PEOPLE, BUT THEY ALSO HAVE RESPONDED TO ISSUES WHERE WE HAVE MAJOR TRAFFIC INCIDENTS, SUCH AS AN OVERTURNED 18 WHEELER ON I-35. WHERE THERE'S A LOT OF GRIDLOCK AND CONGESTION THAT HAPPENS NOT ONLY TO THE FREEWAY, BUT ON THE SURFACE STREETS AS WELL. WE HAVE USED THE HELICOPTER TO GO UP AND BE KIND OF LIKE AN AERIAL OBSERVATION PLATFORM. WE HAVE USED THAT TO SOME SUCCESS. WE KNOW WE NEED TO DO BETTER AND MORE ON EMERGENCY TRAFFIC MANAGEMENT IN AUSTIN. WE ARE LOOKING AT INFORMATION FROM ACROSS THE COUNTRY, CAL TRAN IS THE CALIFORNIA DEPARTMENT OF TRANSPORTATION. THEY DID A STUDY IN CALIFORNIA, THERE'S ONE THAT WAS DONE HERE IN TEXAS IN THE HOUSTON AREA, THAT IS VERY SIMILAR THAT SAID THAT WHEN YOU HAVE A THREE LANE HIGHWAY, AND YOU BLOCK ONE LANE FOR WHATEVER REASON, YOU KNOW, YOUR THOUGHTS WOULD BE THAT THE HIGHWAY IS NOW ONE THIRD OBJECT EXTRACTED. WELL -- OBSTRUCTED. IT TURNS OUT THAT'S NOT CORRECT. YOU ACTUALLY BECOME 60% OBSTRUCTED. THE REASON IS THAT YOU KIND OF HAVE LIKE A BOTTLE NECK, YOU HAVE THE VEHICLES THAT ARE TRYING TO CHANGE LANES, GO BACK AND FORTH AND IT FURTHER COMPLICATES THE MATTER. LIKEWISE, WHEN WE HAVE TWO LANES ON THAT THREE LANE HIGHWAY THAT ARE OBSTRUCTED. WE HAVE A 90% RESTRICTION. I KIND OF SKIPPED OVER IT THERE, EVEN A COLLISION INVESTIGATION ON THE SHOULDER OF A HIGHWAY CREATES A 30% OBSTRUCTION WHERE YOU HAVE THREE OPEN LANES. THE REASON IS IT'S HUMAN NATURE, PEOPLE WANT TO LOOK AND SEE WHAT'S GOING ON. THEY ALSO BECOME NERVOUS TO SOME EXTENT ON WHEN THEY HAVE ISSUES ON THE SIDE OF THE ROADWAY SO THAT CAUSE CONCERN FOR THEM. ANOTHER BIG ISSUE FOR US IS -- I THINK INTOOTH ACTIVELY WE KNOW THIS, SOMETHING THAT I THINK IS REAL IMPORTANT FOR AUSTIN TO UNDERSTAND IS THAT ON CALIFORNIA FREEWAYS, THERE'S SOMETHING SIMILAR IN HOUSTON STUDY THAT SAYS FOR EVERY MINUTES OF DELAY THAT WE HAVE TRAFFIC OBSTRUCTED, THERE'S A FORMATIVE DELAY IN RETURNING TRAFFIC TO NORMAL. IN

OTHER WORDS IF YOU HAVE SOME KIND OF AN INCIDENT THERE, STALLED VEHICLE, SOMETHING STOPS IN THE ROADWAY, WE CLEAR THAT OFF IN A MINUTE, IT WILL BE FOUR MINUTES BEFORE THE TRAFFIC FLOW RETURNS TO WHATEVER THE NORMAL EXASES IS FOR THAT TIME OF DAY. NORMAL CAPACITY OF THAT TIME OF DAY. WHAT YOU SEE IF THERE'S SOME DELAY IN CLEARING THE ROADWAY, A 10 MINUTE DELAY, THEORETICALLY, IT WILL TAKE 40 MINUTES ONCE THE VEHICLES ARE COMPLETELY OFF THE FREEWAY TO GET THAT CAPACITY BACK TO ITS NORMAL SITUATION OF TRAFFIC FLOW. AGAIN, I ADDRESSED SOMEWHAT THE ECONOMIC COSTS, ROADWAY DELAYS, IN ADDITION OBVIOUSLY THIS IS ADDITIONAL INFORMATION FROM -- FROM THE UNITED STATES DEPARTMENT OF TRANSPORTATION, THAT -- THE ROADWAY DELAYS COST A MILLION DOLLARS OF ECONOMIC LOSS. THAT DOES -- THAT IS INCLUSIVE OF FATAL, SERIES INJURY CRASHES, ADDITIONAL INFORMATION THAT WE WANT TO PUT OUT HERE THAT WE RECOGNIZE, EVEN JUST GENERALLY SPEAKING A CONGESTED ROADWAY AS INTUITIVE, THE REGULAR OCCURRENCES THAT OCCUR, THERE'S ALSO ALL KINDS OF ADDITIONAL IMPACTS BEYOND ECONOMICS. THERE'S ENVIRONMENTAL, THERE'S THE FRUSTRATION OF THE -- OF THE DRIVER, A VARIETY OF THINGS SUCH AS THAT. THAT LAST BULLET POINT AGAIN IS IMPORTANT TO US. THE RELATIONSHIP BETWEEN THE -- A FATALITY AND ACCIDENT NOTIFICATION, THAT RELATES TO THE ISSUE FOR EVERY MINUTE OF DELAY THERE'S A FOUR MINUTE RETURNING TO NORMAL SEE, THAT'S SOMETHING THAT WE ALL HAVE TO BEAR IN MIND. THIS BASICALLY SAYS TRAFFIC DELAYS COM PRIZED 54% OF ALL DELAYS IN THE URBAN AREAS STUDIED. THE TRANSLATION IS THAT ALL OF OUR ROADWAYS HAVE A -- THERE IS SOMETHING THAT -- THERE'S A CAPACITY THAT THEY DESIGN FOR, THE INFRASTRUCTURE HAS ITS OWN LIMITATIONS, BUT THE ISSUE IS THAT -- WHEN YOU HAVE UNPLANNED EVENTS, THINGS THAT ARE OCCURRING OUT ON THE ROADWAY OR EVEN PLANNED EVENTS THAT CAUSE OBSTRUCTION, THOSE DELAYS ARE ACTUALLY CAUSED BY -- BY NOT NECESSARILY THE -- THE REDUCED INFRASTRUCTURE, BUT ACTUALLY ON THE -- ON THE TRAFFIC INCIDENT ITSELF. ANOTHER AUSTIN BULLET POINT IS THE ANNUAL DELAY PER PERSON ACCORDING TO THIS STUDY IS 51 HOURS. AUSTIN IS -- IS

STATED TO BE THE MOST CONGESTED MID SIZED CITY. POPULATION FOR 500,000 TO A MILLION. SO WHAT IS IT THAT WE DO ABOUT IT? SO WE RECOGNIZE THAT -- THAT THIS IS OUR LOT IN LIFE. GO OUT AND PATROL THESE PARTICULAR ROADWAYS, WHATNOT. WHAT WE KNOW THAT WE NEED TO DO IS WE NEED TO IMPROVE OUR TRAFFIC INCIDENT MANAGEMENT. THE THING THAT ACTUALLY DROVE THIS POINT HOME, REALLY WHEN WE WERE LOOKING TO REDUCE TRAFFIC FATALITIES, LOOKING AT ALL POSSIBLE CAUSES, THE FEDS BASICALLY TOLD US, 18% OF ALL FATE TAKE CRASHES ON THE HIGHWAY ARE THE RESULT OF SECONDARY CRASHES. THAT GOES BACK TO THE FACT THAT WHEN YOU HAVE SOME LEVEL OF CONGESTION OUT ON THE HIGHWAY, ON THE FREEWAY, THAT YOU KNOW THE LONGER IT TAKES TO CLEAR THAT, THE MORE DANGEROUS IT IS FOR PEOPLE UPSTREAM OR DOWNSTREAM. AND SO AS A RESULT OF THAT, WE ARE WORKING ON A -- SOME POLICY ADJUSTMENTS WITH A.P.D. BASICALLY WE ARE ENCOURAGING PATROL OFFICERS TO MOVE WRECKS SO THAT THEY ARE COMPLETELY OFF THE MAJOR THOROUGHFARES. IN OTHER WORDS, WHAT I DON'T LIKE TO SEE, I DON'T LIKE TO SEE US IF AT ALL POSSIBLE WORKING A MINOR WRECK ON A FREEWAY. WE WANT TO TAKE THE EXIT RAMP, GET COMPLETELY OFF ANY ARTERY. THAT ALSO GOES FOR SOME OF THE MAJOR STREETS. WE ALSO ARE WORKING TO ENCOURAGE PATROL SUPERVISORS TO MONITOR OFFICERS WORKING THESE WRECKS. HISTORICALLY WE HAVEN'T DONE THAT. EITHER OF THESE THINGS IN THE PAST. BUT IT'S PART OF US, A.P.D., GROWING ALONG WITH THE CITY AND UNDERSTANDING OUR SITUATION. BOTTOM LINE FOR US, LESS TIME THAT WE ARE ON THE FREEWAY, WHETHER IT'S US, THE POLICE, FIRE, E.M.S., OUR CITIZENS OR VISITORS, THE FACT THAT -- THAT THE SAFER WE ARE. THE FASTER WE GET OFF OF THERE, THE LONGER -- THE BETTER WE KEEP THAT ROAD MOVING, THE SAFER WE ALL ARE. WE RECOGNIZE THAT. ONE OF THE THINGS THAT WE HAVE DONE AS A RESULT OF THAT, CRASH ENDORSEMENT REDUCTION ZONES. THE CDR ZONES AS WE REFER TO THEM, BASICALLY OCCUR BETWEEN 6:00 A.M. AND 9:00 A.M. AND 4:00 P.M. AND 7:00 P.M. STRATEGICALLY DEPLOY HIGHWAY PATROL OFFICERS IN THESE PARTICULAR ZONES, THEIR MISSION DURING THESE TIMES IS TO KEEP

THE HIGHWAY OPEN, GET STALLED VEHICLES OFF, MOVE MINOR WRECKS AS QUICKLY AS POSSIBLE. THAT'S ONE OF THEIR MANDATES DURING THESE TIME PERIODS. OUR PROPOSED EMERGENCY TRAFFIC INCIDENT MANAGEMENT POLICY APPLIES TO ALL HIGH SPEED ROADWAYS, 55 MILES AN HOUR OR GREATER. WE WANT AGAIN LIKE I SAID, TRYING TO REDUCE THE SECONDARY CRASHES AND RESTORE NORMAL TRAFFIC FLOW AS QUICKLY AS WE POSSIBLY CAN. WE KNOW IN ORDER TO DO THIS WE CAN'T OPERATE ALONE. WE HAVE TO WORK WITH THE VARIETY OF DIFFERENT FOLKS, PUBLIC AND PRIVATE SECTOR. IN OTHER WORDS LIKE I MENTIONED HERE. E.M.S., AFD, OTHER LAW ENFORCEMENT AGENCIES, CITY OF AUSTIN PUBLIC WORKS, TEXDOT AND THEN IN TERMS OF THE PRIVATE SECTOR, A -- THE WRECKER INDUSTRY. AGAIN JUST TO RE-EMPHASIZE OUR OFFICERS WILL CLEAR THE ROADWAY AS SOON AS PRACTICAL. WHETHER WE HAVE TO PUSH, DRAG OR HOWEVER IT IS THAT WE CAN SAFELY GET THAT VEHICLE OUT OF THE ROADWAY, THE MAIN TRAVEL PART OF THE ROADWAY WE ARE GOING TO DO. ANOTHER THING WE KNOW THAT WE NEED TO DO IS WE ALSO HAVE TO SELECT SAFE TRAFFIC STOP LOCATIONS. BASICALLY WHEN WE HAVE TRAFFIC VIOLATIONS, THE OFFICERS OBVIOUSLY NEED TO ENFORCE THE TRAFFIC LAW. WE ENCOURAGE THEM TO SELECTION THE LOCATION OF STOP WITH TWO THINGS. THE SAFETY OF THE OFFICER STOPPED AND THE CITIZEN, ALSO TO MINIMIZE TRAFFIC FLOW. THE WRECKER ORNDZ REVISION, CURRENTLY WITH CITY LEGAL, IN OUR ESTIMATION NEEDS TO BE BASED ON THREE PREMISES, NUMBER ONE RAPIDLY CLEARING THE ROADWAY. TWO IS SCIEWRM PROTECTION AND THREE -- CONSUMER PROTECTION AND THREE HAS TO BE FAIRNESS TO THE WRECKER INDUSTRY COLLECTIVELY. EMERGENCY VEHICLE POSITIONING IS ALSO AN IMPORTANT FACTOR, BUT WHAT WE WANT TO STRESS HERE WHEN WHEN WE ARE TALKING ABOUT THIS IS NOT COMING TO SET UP YOUR POLICE CAR, AMBULANCE, FIRE TRUCK OR WRECKER THEN IT'S OVER. NO IT'S A DYNAMIC SITUATION. WE WANT TO WORK TO CLEARING THAT ROAD. IT MAY MEAN THAT WE HAVE TO KIND OF MOVE THE VEHICLES AROUND. ADDITIONALLY WEMENTS USE THE CITY'S CAMERA CITY. WE HAVE DEVELOPED A GOOD WORKING RELATIONSHIP WITH DAVE GERARD AND

HIS FOLKS, BETTER WAYS TO GET THE TRAFFIC MOVING. EXAMPLE, AGAIN, WHAT THIS IS BASICALLY SHOWING YOU IS A THREE LANE ROADWAY IN ONE DIRECTION. WE HAVE SOME KIND OF AN INCIDENT HERE, A TRAFFIC CRASH, A.P.D., AFD AND E.M.S. REPRESENTED HERE BLOCKING TWO LANES. WE RECOGNIZE THE ROADWAY IS SOMEWHERE BETWEEN 79 AND 90% OBSTRUCTED DEPENDING ON WHICH STUDY YOU LOOK AT. WE TELL THEM GUYS WE NEED YOU TO START WORKING TOWARDS THIS. OKAY. IT'S NOT A STATIC SITUATION UNTIL IT'S OVER. THERE'S AN EVOLUTION. LET'S START WORKING TOWARDS THIS. ALL RIGHT? START MOVING TO THE RIGHT OR LEFT, WHATEVER IT IS THAT WE CAN DO TO START OPENING UP THOSE LANES AS QUICKLY AS POSSIBLE. REPOSITIONING YOUR EMERGENCY VEHICLES. EVEN WE KNOW THAT LIKE WE MENTIONED EVEN WHEN WE ARE COMPLETELY OUT OF THE ROADWAY IN THIS PARTICULAR CASE, THREE LANE HIGHWAY, ALL LANES ARE OPEN, ONE POLICE CAR AND TWO WRECKED CARS, THEY ARE EXCHANGING INFORMATION, WHATEVER THEY ARE DOING, THAT ROADWAY IS THEN OBSTRUCTED. THIS GOES BACK TO OUR POLICY, OUR MANDATE AND DIRECTION TO WORK THESE KIND OF WRECKS OFF THE FREEWAY. GET THEM OFF THE FREEWAY AS SOON AS POSSIBLE. EVEN THE STALLED VEHICLE AS YOU SEE OUT ON THE FREEWAYS OR MAJOR ARTERIES, SPECIALLY FREEWAYS, BUT SEE THEM ON THE SHOULDER, THE CAR ALL BY ITSELF, WITH NOBODY AROUND IT, IT'S ABANDONED, BROKEN DOWN, WHATEVER REASON, THAT CREATES A 10 TO 15% RESTRICTION. ONCE AGAIN FOR THE REASON THAT THE FOLKS ARE GETTING NERVOUS WHEN THEY ARE PASSING BY, THEY DON'T KNOW WHAT'S GOING ON, THEY FEEL LIKE THEIR FIELD OF VIEW IS NARROWED, A WHOLE VARIETY OF THINGS GOING ON THERE. THE BOTTOM LINE IS WE NEED TO MAKE SURE THAT THESE VEHICLES GET OFF THE, SPECIALLY HIGHWAYS, AS SOON AS POSSIBLE. BASICALLY THE CAPACITY IS SIMPLY BASED ON THE INFRASTRUCTURE ALONE. PUBLIC INVOLVEMENT. THE THING ABOUT PUBLIC INVOLVEMENT IS THAT -- THEY ARE THE KEYS TO SUCCESS. IN OTHER WORDS, EACH INDIVIDUAL MAKES A DIFFERENCE HERE. WE TRY TO ENCOURAGE OUR POLICE OFFICERS TO UNDERSTAND THAT, WE WANT OUR CITIZENS TO UNDERSTAND THAT. THAT DRIVING CULTURE IN AUSTIN IS

SET BY THE INDIVIDUAL. IT'S NOT SET BY POLICY, IT'S NOT SET BY LAW. BUT IT'S WHAT AN INDIVIDUAL DOES. AND THE ONE THING THAT, THE MESSAGE THAT WE WOULD LIKE TO GET OUT TO PEOPLE, SO THAT THEY UNDERSTAND WHAT WE DO MAKES A DIFFERENCE. WHEN YOU COME TO A LARGE METROPOLITAN AREA, WHEN YOU SEE THE TRAFFIC CONGESTION, YOU GO TO L.A. OR ANYTHING ELSE, COME TO AUSTIN NOW, PEOPLE TEND TO DRIVE, LOOK AND SEE THE TRAFFIC AND EVERYTHING ELSE AND THEY THINK THERE'S NOTHING I CAN DO ABOUT IT. IN OUR -- THE MESSAGE THAT WE WANT TO GET IS YES THERE IS SOMETHING YOU CAN DO ABOUT IT. SMALL THINGS, WE CONSIDER THE SMALL STUFF SOMETIMES PEOPLE GET IRRITATED WITH US FOR STOPPING THEM, REMIEPDZING THEM IN SOME FORM OR FASHION, THE SMALL TOUGH SUCH AS USING YOUR TURN SIGNAL, FOLLOWING TOO CLOSE, TALKING ON A CELL PHONE WHEN THAT'S UNNECESSARY, DRIVER INATTENTION, THOSE THINGS ARE IMPORTANT. AND WE KNOW THE FOLKS CAN MAKE A DIFFERENCE. IN CONCLUSION, FROM PRESENTATION BASICALLY IS THAT WE RECOGNIZE THERE'S A NEXUS BETWEEN ALL OF THE THINGS THAT WE MENTIONED. WE STARTED OUTS A COMMAND THAT WANTED TO ADDRESS THE ISSUE OF RISING TRAFFIC FATALITIES IN AUSTIN. WHAT WE FOUND IS THERE'S SUCH AN INTERCONNECTION BETWEEN TRAFFIC FATALITIES, ROADWAY CONGESTION, ECONOMICS, CITIZEN SATISFACTION, ALL OF THESE THINGS ARE ALL INTERRELATED. TRAFFIC IN MY EXPERIENCE HAS BEEN A BORING SUBJECT TO MANY FOLKS. THE THING IS THAT IT'S ONE OF THOSE SILENT KILLERS. IT AFFECTS EVERYBODY REGARDLESS OF RACE OR CLASS IN THIS CITY AND IN THE PAST PEOPLE HAVE FELT HELPLESS, BUT WE BELIEVE THAT THERE IS SOMETHING THAT CAN BE DONE ABOUT THAT. THAT IS FOR EACH INDIVIDUAL TO TAKE OWNERSHIP AND -- IN HIS OR HER DRIVING. THANKS.

Mayor Wynn: THANK YOU, COMMANDER. QUESTIONS, COMMENTS, COUNCIL? I HAVE ONE -- YOU MAY HAVE TOUCHED ON IT COMMANDER, BUT I DIDN'T SEE. SO THE OBVIOUSLY EVERYBODY LIKES THE CONCEPT AND THE IDEA OF CLEARING AN ACCIDENT AS QUICKLY AS POSSIBLE. BUT HOW DO YOU BALANCE WHAT SEEMS TO ME TO BE THE NEEDLESS TO INVESTIGATE, PARTICULARLY A FATAL

COLLISION.

ONE OF THE THINGS THAT I THINK THAT WE ARE VERY FORTUNATE. WHEN WE CREATED THE COMMAND, THAT VEHICULAR HOMICIDE SECTION WAS PUT IN THE COMMAND. WHAT WE DO IS WE SIT DOWN WITH OUR VEHICULAR HOMICIDE DETECTIVES, THEY ARE PART OF THE SITUATION. SO WE EXPLAIN THE SITUATION THAT THE LONGER WE ARE OUT ON THE ROAD, THE MORE DANGEROUS THAT IT IS. SO WHAT WE ARE LOOKING AT, WE ARE LOOKING AT TECHNIQUES TO MINIMIZE THE -- THE AMOUNT OF TIME. SOME OF IT HAD TO DO WITH ORGANIZATION. LIEUTENANT KEN CANDY, THE LIEUTENANT OVER THE VEHICULAR HOMICIDE SECTION IS HERE. HE'S INTIMATELY INVOLVED IN THE PROCESS OF STREAMLINING THE INVESTIGATIVE PROCESS. THERE ARE THINGS THAT SOMETIMES THAT WE HAVE TO DO. THAT TAKE A LONG TIME. THERE ARE THINGS SUCH AS TECHNOLOGY THAT HELPS. WELL TRAINED INVESTIGATORS, CLEARLY DEFINED AREAS OF RESPONSIBILITY, HOLDING THOSE PEOPLE ACCOUNTABLE. BRINGING THEM INTO THE LOOP IS THINK HAS HELPED QUITE A BIT. THEY ARE PART OF OUR SITUATION. AND QUITE FRANKLY, THAT WAS ONE OF THEIR CONCERNS TO BEGIN WITH. WHEN WE SAID THAT WE HAVE TO DO SOMETHING ABOUT CLEARING THE -- THESE FREEWAYS, THE FIRST THING THEY SAID, WE CAN'T SACRIFICE THE FATAL CRASH INVESTIGATION. AND MYSELF WITH THE HOMICIDE BACKGROUND FROM YEARS PAST, ABSOLUTELY THAT IS TRUE. WE WANT TO MAKE SURE THAT WE ARE DOING IT MOST EFFECTIVELY AND EFFICIENTLY AS POSSIBLE. THAT'S IT. I DON'T THINK THAT WE ARE SACK SACRIFICING, AS A MATTER OF FACT WE ARE NOT GOING TO SACRIFICE THE QUALITY OF THE INVESTIGATION.

Mayor Wynn: I'M SURE EACH ACCIDENT IS VERY DIFFERENT. BUT PARTICULARLY WITH THE FATALITY I'M SURE IT'S SO MUCH MORE TRAUMATIC FOR SO MANY PEOPLE, INCLUDING THE OFFICERS ARRIVING ON THE SCENE. CAN YOU GIVE US SOME IDEAS TO THE LENGTH OF TIME THAT -- THAT YOU KNOW THE -- THE INVESTIGATORS NEED TO -- TO, YOU KNOW, BE CONCLUSIONIVE ENOUGH ON THE HOMICIDE PART OF IT. HOW LONG IT PHYSICALLY TAKES TO CLEAR A TYPICAL

ACCIDENT.

ONE OF THE THINGS IS THAT LIKE YOU SAID, MAYOR, EACH -- EACH TRAFFIC FATALITY IS ITS OWN UNIQUE SET OF CIRCUMSTANCES. DEPENDS ON TIME OF DAY, WHO ALL IS INVOLVED, FOR EXAMPLE IF WE HAVE A CASE WHERE APPARENTLY AN INTOXICATED PERSON RUNS INTO A RIDGE ABUTMENT AT 3:00 IN THE MORNING, THE IMPACT ON TRAFFIC IS NOT THE SAME. ALL THE PLAYERS ARE THERE, ALL OF THE PIECES ARE THERE, THERE ARE THINGS THAT WE CAN DO, FOR EXAMPLE, COLLECTING EVIDENCE AND RECORDING ITS LOCATION, THERE MAY BE THINGS THAT WE CAN ALSO DO LIKE FOR EXAMPLE IF IT'S IN A RUSH HOUR TIME PERIOD, WE COULD COLLECT THE THINGS THAT ARE PERISHABLE. MAP THE SCENE OUT. BUT THERE MAY BE THINGS THAT WE CAN DO AT A LATER TIME. WHEN THE TRAFFIC SITUATION IS NOT AS BAD. AN EXAMPLE MIGHT BE THAT WOULD COME OUT AND JUST ROADWAY MEASUREMENTS BECAUSE THE ROADWAY IS NOT GOING ANYWHERE. WE HAVE DONE THAT WHERE WE GO OUT AND WE LOOK FOR THE PHYSICAL EVIDENCE, REMOVE THOSE KINDS OF THINGS, RECORD WHERE THAT IS, BUT LEAVE SOME OF THE ROAD DYNAMICS OR MEASUREMENTS TO A LATER TIME. THE QUESTION YOU ASKED IS HOW LONG IT TAKES. I CAN'T GIVE YOU A SPECIFIC ANSWER ON THAT. BECAUSE THEY VARY QUITE A BIT. THERE ARE SOME SCENES THAT WE CLEAR AN HOUR. THERE ARE SOME THAT WILL TAKE US FOUR. BUT LIKE I SAID, THE LONGER THE -- THE SITUATION IS, WHAT WE HAVE TO DO IS THAT WE HAVE TO TAKE INTO CONSIDERATION THE TRAFFIC MANAGEMENT ISSUES, WE WILL PUT OUT FOR EXAMPLE, THE VEHICULAR HOMICIDE GUYS THAT ARE OUT THERE WILL BE SUPPORTED, BRING IN AN ENTIRE HIGHWAY RESPONSE TEAM TO GO AND WORK THE TRAFFIC AROUND THAT OR THROUGH INTERSECTIONS OR WHATEVER IT IS THAT WE NEED TO DO. NEACIAL AS QUICKLY AS POSSIBLE.

Mayor Wynn: FURTHER QUESTIONS, COUNCILMEMBER MCCRACKEN?

THIS IS SOMETHING THE MAYOR AND I HAVE BEEN WORKING ON, I'M GLAD TO SEE THAT YOU HAVE THESE THINGS THAT THE MAYOR AND I HAVE BEEN DISCUSSING ABOUT WITH YOU

ALL FOR MONTHS. I HAD SOME QUESTIONS FIRST WHAT --
WHAT ARE THE SPECIFIC CHANGES WE ARE LOOKING AT AS
OPTIONS IN THE WRECKER ORNDZ?

THE WRECKER ORNDZ ISSUES -- ORDINANCE ISSUES, THERE
ARE SEVERAL COMPONENTS. A LOT OF IT HAS TO DO WITH
THE TIMELINESS, A LOT OF IT, WHAT WE FELT LIKE AND I --
IT'S BEEN A WHILE, COUNCILMEMBER, SINCE I HAVE
ACTUALLY LOOKED AT IT TO -- WITH -- WITH THE CITY LEGAL
AT THIS TIME. A LOT OF IT HAD TO DO WITH STREAMLINING
THE PROCESS. THERE WAS OLD LANGUAGE IN THERE THAT
WASN'T NECESSARILY KEEPING UP WITH THE TIME IN TERMS
OF TECHNOLOGY. SO WE WANTED TO KIND OF STREAMLINE
SOME OF THE LANGUAGE. DECIDE WHAT KIND OF
EQUIPMENT FOR EXAMPLE NEEDS TO BE THERE. OTHER
ISSUES SUCH AS TIME REQUIREMENTS. I DON'T
KNOW IF YOU HAVE ANY.

WE OBVIOUSLY ARE LOOKING AT SEVERAL ISSUES. ONE OF
THE THINGS DIRECTLY RELATED TO TRAFFIC MANAGEMENT
WOULD BE PARTICIPATION OF THE WRECKERS WITHIN THE
RAPID REMOVAL PROCESS. RIGHT NOW WE KNOW THAT WE
HAVE ABOUT 50 OR SO WRECKERS. THAT PARTICIPATE IN
THE ROTATION OF THIS, BUT NOT ALL OF THEM PARTICIPATE
IN OUR HIGHWAY MANAGEMENT PROGRAM. SO WE ARE
LOOKING AT WAYS TO -- TO ENCOURAGE MORE OF THE
WRECKERS TO PARTICIPATE IN THAT BECAUSE OBVIOUSLY
THE MORE PLAYERS THAT WE HAVE ON THE ROAD, WE NEED
DURING RUSH HOUR, WILL HELP US IN CLEARING UP THE
ROADWAY. THAT'S ONE OF THE DIRECT THINGS THAT WE
WOULD LIKE TO SEE TO HELP US WITH OUR TRAFFIC
MANAGEMENT STRATEGIES.

HO HOW DO WE -- WHAT IS OUR TURN AROUND ON
WRECKERS CLEARING THE SCENE? I'LL INTRODUCE,
LIEUTENANT KEN CANADAY.

CITY ORDINANCE CURRENTLY RESPONDS FOR THEM TO
REQUIRE WITHIN 45 MINUTES IF IT'S NOT DURING THE RUSH
HOUR TIME PERIOD, 20 MINUTES IF IT IS.

AND WHAT IS -- I KNOW THAT DALLAS AND HOUSTON BOTH
HAVE INCIDENT MANAGEMENT SYSTEMS. WHAT IS THEIR

POLICY ON TURN AROUND TIME FOR THE WRECKERS?

I'M NOT EXACTLY SURE. IT'S SOMETHING SIMILAR. THEY WRITE TIMES DOWN AND SOMETHING SIMILAR TO OURS, 20 MINUTES IS WHAT I REMEMBER -- WHAT I REMEMBER. DO YOU REMEMBER, SIR?

NO, BUT I WOULD LIKE TO ASK THE LIEUTENANT, WHILE I BELIEVE THOSE ARE THE GOALS OF THE ORDINANCE, BUT UNDERSTANDING IS THAT WE HAVE EXCEEDED THOSE GOALS REGULARLY. I BELIEVE IT'S ABOUT 12 TO 15 MINUTES IS WHAT WE ARE ACTUALLY EXPERIENCING CLEARING THE ROADWAYS.

THAT'S CORRECT, THAT'S THE REQUIREMENT TIME PERIOD. WE ARE ACTUALLY BEATING THOSE TIME PERIODS MOST OF THE TIME.

McCracken: WHAT LEVEL OF PARTICIPATION DO WE HAVE FROM THE TOW TRUCK INDUSTRY HERE LOCALLY?

IN THE RUSH HOUR?

McCracken: IN GENERAL. IN OTHER WORDS THE WRECKER ORNDZ, TOW TRUCK OPERATORS, STRATEGY, WHAT LEVEL OF PARTICIPATION FROM TOW TRUCK OPERATORS DO WE HAVE IN THIS INCIDENT MANAGEMENT RESPONSE PROGRAM? THE CITY REGULATES IT. IF THEY WANT TO BE ON IT, THEY HAVE TO GO THROUGH A PROCESS WHERE THEY ARE CERTIFIED, ONCE THEY HAVE PROVEN THAT THE DRIVERS ARE LICENSED, THEY COMPLY WITH CERTAIN STANDARDS, THEY ARE ADDED TO THE ROTATION LIST BASED ON WHAT THEY DO. CURRENTLY THEY VOLUNTEER, I THINK WHAT HAPPENED IS THE LAST TIME THE ORDINANCE WAS BROUGHT UP, KIND OF THE NEGOTIATION FOR THE FEES HAD TO DO WITH PEOPLE JOINING AND BEING PART OF THE RUSH HOUR PROGRAM. IF SOMEONE WANTS TO BE ON IT NOW, BASIC THROUGH THEY CAN. IF THEY WANT OFF THEY CAN GET OFF, TOO. SO I THINK THAT'S ONE OF THE THINGS THAT WE ARE LOOKING AT CHANGING. DEPENDING ON HOW MANY WRECKERS THAT YOU HAVE FOR YOUR COMPANY, MAYBE POSSIBLY MAKING IT SO THAT YOU HAVE TO PARTICIPATE AND ASSIST US WITH CLEARING THE

ROADWAYS IF YOU HAVE SO MANY WRECKERS, THEN YOU WILL ALSO PARTICIPATE IN RUSH HOUR TIMES.

SINCE THE MAYOR AND I REQUESTED ALL OF THIS STUFF, I GUESS LET US KNOW WHAT OPTIONS WE CAN CONSIDER TO INTRODUCE.

CERTAINLY, SIR.

McCracken: YEAH. THEN WHAT ARE THE POLICIES ON -- I HAVE NOTICED SOME LANGUAGE ABOUT MAKING SURE THAT WE DO NOT HAVE CARS ON THE SIDE OF THE ROAD, EITHER BY HAVING TRAFFIC TICKET PULLOVERS OR MINOR INCIDENTS THAT CAN BE CLEARED QUICKLY. WHAT -- WHAT ARE THE SPECIFIC POLICIES THAT WE HAVE ABOUT WHEN SOMEONE CAN BE PULLED OVER ON THE SIDE OF THE ROAD?

THERE IS NOT A SPECIFIC POLICY THAT SELLS -- YOU ARE TALKING ABOUT THE LOCATION OF THE TRAFFIC STOP?

RIGHT, COMMANDER, ONE OF THE THINGS THAT I HAVE NOTICED, WHICH PROMPTED US TO ASK FOR THIS, OUR OPTIONS, WAS THE -- THE -- SEEING ANECDOTALLY BIG TRAFFIC BACKUPS WITH SOMEONE GETTING A TRAFFIC TICKET OR EXCHANGING A TIRE ON THE SIDE OF THE ROAD DURING RUSH HOUR. SO WE KNEW THAT DALLAS AND HOUSTON DID NOT PERMIT THAT, WHAT WE ARE LOOKING AT IS WHAT ARE SPECIFIC POLICIES NOW AND WHAT ARE THE OPTIONS THAT WE THE COUNCIL CAN DIRECT YOU ALL TO CHANGE TO CLEAR THE ROADS FASTER?

WELL, THE FIRST THING IS THAT WE HAVE THE -- THE ZONES DURING THE RUSH HOUR TIME PERIOD. AND THE FOLKS THAT WORK THAT ARE PART OF THE HIGHWAY ENFORCEMENT COMMAND AND THE HIGHWAY PATROL UNITS ARE THE ONES THAT DO THAT. IN GENERAL THEY DON'T MAKE TRAFFIC STOPS DURING THAT TIME DUE TO THE CONGESTION. HOWEVER, WE DO NOT HAVE A POLICY THAT -- THAT WOULD PREVENT THEM FROM DOING THAT. WHAT WE DO IS WE ENCOURAGE THEM, WE ARE LOOKING AT ISSUES IN TERMS OF POLICY -- YOU KNOW, POLICY REWRITES OR ADDITIONAL POLICY, BUT WHAT WE WANT TO DO IS

ENCOURAGE THEM, THOSE TWO THINGS THAT WE MENTIONED IN THE SLIDE, IS THAT YOU HAVE TO TAKE INTO ACCOUNT THE SAFETY OF THE PERSON STOPPED, AND THEN ALSO THE IMPACT ON TRAFFIC FLOW. IN OTHER WORDS WE WANT TO MINIMIZE THE IMPACT. WE DON'T HAVE A POLICY THAT SAYS THAT YOU WILL NOT ENFORCE THE LAW DURING SOME TIME PERIODS.

McCracken: WE ARE NOT ASKING THAT YOU NOT ENFORCE THE LAW. WE ARE ASKING WHAT ARE OUR OPTIONS ABOUT HAVING THE CARS PULLED OVER ON THE ACCESS ROAD AS OPPOSED TO THE SHOULDER SINCE WE KNOW THAT THERE IS A SIGNIFICANT TRAFFIC CONGESTION IMPACT IN THIS PUBLIC SAFETY IMPACT WHEN A CAR IS EITHER PULLED OVER OR DEATH WITH ON THE SHOULDER AS OPPOSED TO THE ACCESS ROAD.

ONE IS THAT WE ENCOURAGE THE -- THE OFFICERS TO SELECT THE TRAFFIC STOP, WHAT HAPPENS IS A LOT OF TIMES AN OFFICER WILL OBSERVE A VIOLATION, LET'S SAY IN THE DOWNTOWN AREA ON I-35. THEY GENERALLY ARE NOT GOING TO INITIATE A TRAFFIC STOP UNTIL THEY GET PAST THE UPPER DECK, DEPENDING ON WHERE THEY ARE IN PARTICULAR. A LOT OF THAT IS DRIVEN BY -- BY THE PERSON THAT -- THAT'S BEING STOPPED. AND SO PART OF THE ACADEMY TRAINING DEALS WITH THAT, TRYING TO FORECAST A SAFE LOCATION. NOW, WHAT YOU MAY BE TALKING ABOUT, IF YOU ARE TALKING LIKE THE ENTIRE ROADWAY OF I-35 OR MOPAC, WE HAVE CONSIDERABLE AMOUNT OF -- OF TRAFFIC VIOLATIONS WHICH WE BELIEVE CONTRIBUTE TO TRAFFIC FATALITIES, SPECIALLY DURING THE DAYTIME. WE DO CONDUCT TRAFFIC STOPS TO TRY AND -- AND ADJUST THE DRIVING CULTURE IN AUSTIN. SO IT'S KIND OF LIKE A LITTLE BIT OF A CATCH 22. I UNDERSTAND WHAT YOU ARE SAYING IS THAT WHEN A POLICE OFFICER MAKES A STOP OUT ON MOPAC, THEN EVERYBODY ELSE KIND OF SLOWS DOWN, BOTTLE NECKING. THAT IS A PROBLEM. WE ARE TEACHING THE OFFICERS THAT WE DON'T MANDATE IT. THE REASON IS BECAUSE THE DRIVERS BEHAVIOR WHERE IN GENERAL CAN BE PROTECTED, THERE'S SOME UNUSUAL THINGS THAT OCCUR. FOR EXAMPLE, WE'VE HAD INCIDENTS WHERE A POLICE OFFICER MAY BE FOLLOWING, AGAIN THIS IS ANECDOTAL ON MY

PART. YOU MAY FOLLOW SOMEBODY, THEY MAY SEE YOU, EVEN THOUGH YOU MAY NOT HAVE ENACTED YOUR EMERGENCY LIGHTS. THEY SUDDENLY PULL OVER, THEY EITHER KNEW THEY WERE COMMITTING A VIOLATION, THEY ARE GOING TO DO THAT. THAT'S AN EXAMPLE, YOU CAN'T ALWAYS PREDICT EXACTLY WHAT THAT DRIVER WILL DO. WE CAN TRAIN OUR FOLKS TO UNDERSTAND THAT, MINIMIZE THE IMPACT, SPECIALLY IN WHAT I WOULD SAY IN THE -- IN THE AREAS RIGHT AROUND THE CENTRAL BUSINESS DISTRICT ON I-35. THAT AREA IS -- IS CRITICAL THAT WE KEEP IT MOVING AS MUCH AS POSSIBLE.

McCracken: BECAUSE ONE OF THE THINGS -- I'M SORRY. MULTIPLE MULTIPLE ONE OF THE THINGS IN OUR MEETINGS THAT THE MAYOR'S OFFICE, MY OFFICE AND I AND THE MAYOR HAD REQUESTED WAS -- WAS GIVE US HOW WE COME UP WITH AN EFFECTIVE POLICY TO MAKE SURE THERE IS -- WHEN THERE IS THE NECESSITY OF -- OF POLICE CONTACT WITH THE CAR ON THE SIDE OF THE ROAD, WHETHER IT BE FOR TRAFFIC STOP OR IT BE A STALLED CAR OR SOME DEAL GOING ON, WHATEVER IT IS, THAT WE COME UP WITH AN EFFECTIVE POLICY, RUSH HOUR ONLY, TO MAKE SURE THAT THAT CAR IS ON THE ACCESS ROAD IS NOT ON THE SHOULDER BECAUSE OF THE EXTREME RUSH HOUR TRAFFIC CONGESTION AND RESULTING DANGER THAT THAT CAUSES. I GUESS WHAT I AM TRYING TO FIND OUT IS WHAT'S THE ANSWER? I MEAN, HOW DO WE MAKE THAT HAPPEN? BECAUSE THAT'S ONE OF THE THINGS THAT WE HAVE BEEN TRYING TO FIND OUT.

ONE OF THE THINGS IS WE WILL TAKE THAT BACK TO THE DEPARTMENT, DISCUSS THAT IN TERMS. I THINK A LOT OF THAT IS TRAINING AND EDUCATION. WHAT YOU ARE MAYBE TALKING ABOUT ALSO IS -- AS BASICALLY SAYING HEY IF YOU -- IF YOU CONDUCT A TRAFFIC STOP AND THE PERSON DOES STOP THERE ON THE SHOULDER, GET THEM OFF. THAT'S -- THAT'S WHAT WE ENCOURAGE. WE DON'T EXACTLY MANDATE IT BECAUSE WE DON'T NECESSARILY PUT THE LIMITATION ON THE OFFICER BECAUSE THE CIRCUMSTANCES WE CAN'T CONTROL ALL OF THE CIRCUMSTANCES, BUT WE CAN CERTAINLY THROUGH TRAINING AND EDUCATION OR IT COULD BE DONE, BE A POLICY. I THINK WE WANT TO LOOK VERY CLOSELY AT THE

IMPACT BECAUSE AGAIN OUR TRAFFIC STOP HAS DRIVEN ONE TO ADDRESS THE DRIVING CULTURE, TWO TO -- TO PROTECT THE CITIZEN BEING STOPPED. THE POLICE OFFICER AND THREE IS TO MEMBERSHIP MIZE THAT -- MINIMIZE THAT IMPACT. WE HAVE THOSE OBJECTIVES, WE PROBABLY DIDN'T HAVE THOSE OBJECTIVES A YEAR AGO. HOPEFULLY THAT WILL TRANSLATE INTO A LESSENING OF WHAT YOU ARE DESCRIBING. BUT YEAH THERE'S ALWAYS ROOM FOR DISCUSSION. [ONE MOMENT PLEASE FOR CHANGE IN CAPTIONERS]

McCracken: BASED ON THE DATA THAT YOU PRESENTED TO US THAT THE CARS ARE ON THE SIDE OF THE ROAD AND MAYBE THERE IS OR IS NOT A POLICE PRESENCE WITH THAT CAR, BUT DURING RUSH HOUR IT'S A HAZARD AND IT CREATES HUGE TRAFFIC CONGESTION, BUT IT ALSO ENDANGERS PEOPLE. SO IF WE CAN COME UP WITH A POLICY THAT SAYS WE'RE GOING TO GET CARS OFF OF THE SHOULDER AND ON TO ACCESS ROADS, THERE MAY BE TIMES WHERE IT'S NOT POSSIBLE, CLEARLY IT'S POSSIBLE DURING A MAJOR ACCIDENT. BUT DURING THE MINOR STUFF THAT CAN KILL TRAFFIC RUSH HOUR, WE NEED TO -- IN MY OPINION WE NEED TO COME UP WITH A STRONG POLICY AND HAVE THE PUBLIC EDUCATION CAMPAIGN WORK WITH THAT. SO THAT'S ONE OF THE THINGS THAT I THINK WE ARE ALL TRYING TO IN OUR PRIOR MEETINGS WITH Y'ALL TO GET SOME GUIDANCE ON WHAT OUR OPTIONS ARE. AND THEN THE -- FINALLY, THE ONE OTHER THING WE HAD ASKED FOR WAS INFORMATION CREATING A RUSH HOUR HOTLINE THROUGH THE 311 SYSTEM. AND DO Y'ALL HAVE ANYTHING THAT WE CAN REPORT THERE?

I'M NOT SURE THE CONCEPT. ARE YOU TALKING ABOUT BASICALLY CITIZENS CALLING IN INFORMATION ABOUT THE STATUS OF A ROADWAY?

ONE OF THE THINGS I DISCOVERED ONCE WAS AMONG THE THINGS THAT KIND OF TRIGGERED WHAT THE MAYOR'S OFFICE AND MY OFFICE HAD STARTED MEETING ABOUT A COUPLE OF MONTHS AGO IS THE EXPERIENCE OF TRYING TO CALL IN AN INCIDENT, AND IT WAS DIFFICULT. I MEAN, EVERYBODY WAS VERY PROFESSIONAL, BUT WHAT WE'VE SEEN IN OTHER CITIES IS THEY USE THEIR 311 SYSTEM, AND

WE HAVE AN EXCELLENT 311 SYSTEM THAT IS GETTING RAMPD UP RIGHT NOW, BUT YOU CAN HAVE A RUSH HOUR HOTLINE, FOR INSTANCE. AND THE QUICKER THAT INFORMATION GETS TO THE OFFICER, THE QUICKER WE CAN GET THE RESPONSE, GET THE ROADWAY CLEARED, GET FOLKS ON TO WORK.

IF WE DO A GOOD JOB NOW, ONCE THE CALL COMES IN, THE OFFICERS, ESPECIALLY DURING RUSH HOUR, ARE STRATEGICALLY LOCATED. SO GETTING THE RESPONSE AT THIS POINT IS FAIRLY QUICK. SOME OF THE THIGZ THAT WE'RE LOOKING AT FOR THE PUBLIC IS CONTINUE TO LOOK AT OUR OPTIONS FOR VIDEO MESSAGING AS THEY'RE GOING FORWARD SO THE CITIZEN WILL KNOW AS THEY'RE GOING TOWARDS AN ACCIDENT OR A BIG CONGESTION, SO THEY WILL KNOW WHAT TO EXPECT IN THE NEXT MILE OR SO. BUT AS FAR AS OUR CALL PROCESS, CLEARLY REENCOURAGE PEOPLE IF THEY WITNESS AN UNSAFE SITUATION, A TREE LIMB ON THE HIGHWAY, CALL 911. WE NEED TO TAKE CARE OF THOSE THINGS IMMEDIATELY. WE WOULD NOT ENCOURAGE CITIZENS TO BE NOT USING THE 911 SYSTEM FOR GETTING INFORMATION; HOWEVER, IF THEY WITNESS OR SEE A DANGEROUS SITUATION, DEFINITELY CALL US. WE CAN EXPLORE WHAT OTHER OPTIONS WE COULD HAVE FOR INFORMATION, WHETHER IT BE THE WEB, VIDEO MESSAGING OR AN OPTION WITHIN THE 311 SYSTEM OR ANOTHER NUMBER THAT THEY CAN CALL TO GET INFORMATION.

I WASN'T TALKING ABOUT GETTING INFORMATION, I WAS TALKING ABOUT PROVIDING INFORMATION BECAUSE OUR DRIVERS WILL BE TYPICALLY OUR FASTEST EYES AND EARS ON THE ROAD, RIGHT? AND WHAT I JUST DISCOVERED ONE TIME WHEN I WAS CAUGHT BACK UP IS IT WAS PRETTY DIFFICULT TO REPORT SOMETHING DURING RUSH HOUR.

ONE THING, COUNCILMEMBER, I THINK WHAT YOU'RE SUGGESTING IS -- I'M HOPING THAT A.P.D. IS DOING THIS, WE'RE STARTING TO THINK OUT OF THE BOX ON THIS. WE RECOGNIZE FOR US, HIGHWAY ENFORCEMENT RECOGNIZE THE CONNECTION BETWEEN THE FATALITY REDUCTION AND THE CONGESTION AND FRUSTRATION AND ALL THE STUFF THAT COMES WITH US. WE ALSO KNOW THAT CITY OF AUSTIN PUBLIC WORKS, DAVE GERARD, SOME OF THOSE

FOLKS HAVE SOME EXCELLENT IDEAS ALSO, SO WE'RE TRYING TO DEVELOP PARTNERSHIPS AND MAINTAIN PARTNERSHIPS WITH THEM ON THINGS SUCH AS REALTIME SOFTWARE AND TRAFFIC MANAGEMENT STUFF THAT MR. GARZA I THINK WAS ALSO REFERRING TO LOOKING AT ISSUES LIKE THAT THAT IS ACCESSIBLE TO THE CITIZENS. I THINK THERE'S SOME AREAS IN THAT THAT WOULD REALLY HELP US AS WELL.

ANOTHER THING THAT MIGHT HELP, COUNCILMEMBER, IS IN MARCH WE WILL BE EXPANDING THE SEATS ON THE 311 SYSTEM. WE'RE GOING TO BE ADDING THE ADDITIONAL RESOURCES THAT YOU ALL BUDGETED. THAT WILL IN TURN ADD SOME ADDITIONAL RESOURCES TO BOTH 911 AND DISPATCH OVER AT A.P.D., AND THAT MIGHT ALSO BE PART OF WHAT YOU'RE EXPERIENCING NOW IS WE'RE IN A TRANSITION IN ADDING THOSE ADDITIONAL RESOURCES. BY MARCH WE'RE GOING TO BE LOOKING, FOR EXAMPLE, ON THE 311 LINE OF HAVING A 90 SECOND LESS THAN THREE-RING RESPONSE ON ALL THOSE CALLS. THAT'S OUR PERFORMANCE MEASUREMENT BY MARCH.

IN ADDITION TO THAT, SOMETHING THAT WE RECENTLY AND WE'RE STILL IN THE PROCESS OF COMPLETING, IT'S GOING TO GO A LONG WAYS TOWARDS HELPING OUR TRAFFIC MANAGEMENT IS THAT WE HAVE NOW SENT THE TRAFFIC SIGNAL, THE CAMERA SIGNALS FROM THE SIGNAL SHOP TO OUR COMMUNICATIONS CENTER. SO IN FACT NOW ALL OF OUR EMERGENCY RESPONDERS, OUR DISPATCHERS, OUR CALL TAKERS, WILL BE ABLE TO SEE TRAFFIC THROUGHOUT THE CITY, SO WE CAN MORE QUICKLY -- IN FACT MAY NOT HAVE TO WAIT FOR A CALL, WE'LL BE ABLE TO WITNESS IT. WE HAVE SOME EXPERIENCES LIKE THAT WHERE OUR FIRST RESPONDERS WERE RESPONDING TO A CALL, THEY SAW AN ACCIDENT ON THE SCREEN AND WERE ABLE TO DIVERT OUR FIRST RESPONDERS THROUGH A MORE PRACTICAL WAY. I THINK WE'RE DOING SOME THINGS, ESPECIALLY THE VIDEO FEED FROM THE SIGNAL SHAP TO OUR EMERGENCY MANAGEMENT COMMUNICATION CENTER, IT WILL GO A LONG WAY TOWARDS US BEING FURTHER AHEAD OF TRAFFIC SITUATIONS.

Mayor Wynn: FURTHER COMMENTS, QUESTIONS?

I WOULD REALLY LIKE TO THANK THE COMMANDER AND LIEUTENANT. A TREMENDOUS JOB, A HUGE REDUCTION IN LOSS OF LIFE WITH THE EFFORTS YOU'VE DONE THIS LAST YEAR, PHENOMENAL JUDGE AND ALL OF OUR THANKS TO YOU.

Mayor Wynn: AGREED.

MAYOR, TO WRAP UP OUR PRESENTATION, WHEN WE TALK ABOUT PERSONAL RESPONSIBILITY AND THE DRIVING COACH IN AUSTIN, I WANT TO LEAVE THE CITIZENS WITH ONE LAST NOTE. BECAUSE WE CAN ALL MAKE A DIFFERENCE. WE HAD A TREMENDOUS YEAR IN REDUCING OUR TRAFFIC FATALITIES FROM 73 TO 59; HOWEVER, TO PUT IT IN PERSPECTIVE, AND IT'S AN UNFORTUNATE FACT, IT'S KIND OF A GOOD NEWS/BAD NEWS THING, BUT WE HAD 26 HOMICIDES IN THE CITY AND 59 FATALITIES. THAT'S 59 LIVES LOST, MANY OF THOSE COMPLETELY INNOCENT VICTIMS THAT WERE ON THE ROADWAYS OF AUSTIN. WE ALL NEED TO WORK TOGETHER TO MAKE A DIFFERENCE.

Mayor Wynn: AGREED. THANK YOU, MR. GARZA. OUR FINAL BRIEFING HERE, ITEM NUMBER 40, IS A PRESENTATION TO COUNCIL REGARDING LAND BANKS, LAND TRUST AND FUNDING OPTIONS UNDER THE HOMESTEAD PRESERVATION ACT OR HB 525. AND WE'LL WELCOME MR. PAUL HILGERS.

THANK YOU, MAYOR, COUNCIL. MY NAME IS PAUL HILGERS, AND I'M THE DIRECTOR OF NEIGHBORHOOD HOUSING AND COMMUNITY DEVELOPMENT AND I'M HERE TODAY TO BRIEF YOU ON HOUSE BILL 525 OF THE HOMESTEAD PRESERVATION ACT. I WANT TO THANK BY THANKING THIS COUNCIL FOR YOUR LEADERSHIP IN ADDRESSING AFFORDABLE HOUSING IN THIS COMMUNITY. IT'S APPROPRIATE TO BEGIN THIS PRESENTATION BY REITERATING OUR REVOLVING GOALS FOR AFFORDABLE HOUSING AND THOSE ARE TO MITIGATE GENERAL GENTRIFICATION, TO PRESERVE AFFORDABILITY AND TO RECYCLE PUBLIC INVESTMENT. EARLIER YOU HAVE HEARD BRIEFINGS ON OTHER INITIATIVES WE'RE WORKING ON TO HELP US WITH THESE GOALS. THE COMMUNITY

PRESERVATION AND REVITALIZATION ZONE AND THE COMMUNITY LAND TRUST. TODAY IS A BRIEFING ON THE HOMESTEAD PRESERVATION ACT ON HOUSE BILL 525, WHICH WAS AUTHORED BY STATE REPRESENTATIVE EDDIE RODRIGUEZ. THROUGH THIS ACT, REPRESENTATIVE RODRIGUEZ HAS DEMONSTRATED SUBSTANTIAL LEADERSHIP AT THE STATE LEVEL AND WE APPRECIATE HIS EFFORTS. HOUSE BILL 525 HAS THE FOLLOWING GOALS, TO INCREASE HOME OWNERSHIP BY PROVIDING AFFORDABLE HOUSING AND PREVENTING THE LOSS OF HOMESTEADS IN LOW TO MODERATE INCOME NEIGHBORHOODS, TO APPROXIMATELY PROTECT THE MUNICIPALITY'S INTEREST IN ECONOMIC AND SOCIAL CONDITIONS BY ENHANCING HOME OWNERSHIP AND TO PROVIDE MUNICIPALITIES WITH MEANS TO PROTECT HOMESTEAD INTERESTS OF LOW TO MODERATE INCOME FAMILIES. THERE ARE THREE HOUSING INITIATIVES OR TOOLS TO ACHIEVE THESE GOALS AUTHORIZED UNDER THE HOMESTEAD PRESERVATION ACT. THE HOMESTEAD PRESERVATION LAND BANK, THE HOMESTEAD PRESERVATION LAND TRUST, AND THIRD, A FUNDING MECHANISM FOR THE FIRST TWO INITIATIVES, THE HOMESTEAD PRESERVATION REINVESTMENT ZONE. CITY COUNCIL MAY DESIGNATE A HOMESTEAD PRESERVATION DISTRICT THAT MEETS THE REQUIREMENTS OF HOUSE BILL 525 TO BE DESIGNATED AS A DISTRICT UNDER THE ACT AND THE AREA MUST BE COMPOSED OF TRACTS CREATING AN AREA CONTIGUOUS TO THE CENTRAL BUSINESS DISTRICT AND WITH FEWER THAN 25,000 RESIDENTS, FEWER THAN 8,000 HOUSEHOLDS, DOES NOT EXCEED 50% HOME OWNERSHIP RATE, 50% OF THE HOUSING STOCK BEFORE 1960, AN UNEMPLOYMENT RATE THAT IS GREATER THAN 10%, AN OVERALL POVERTY RATE THAT IS AT LEAST 10 TIMES THE POVERTY RATE FOR THE MUNICIPALITY. IN EACH CENSUS ACT WITHIN THE AREA, A MEDIAN FAMILY INCOME THAT IS LESS THAN 60% OF THE MEDIAN FAMILY INCOME FOR THE ENTIRE MUNICIPALITY. AN AREA THAT IS DESIGNATED AS A HOMESTEAD PRESERVATION DISTRICT MAY RETAIN ITS DESIGNATION AS A DISTRICT REGARDLESS OF WHETHER THE AREA CONTINUES TO MEET THE ABOVE ELIGIBILITY CRITERIA. AS YOU CAN SEE FROM THIS MAP, THE HOMESTEAD PRESERVATION DISTRICT ENCOMPASSES SEVEN CENSUS TRACTS THAT ARE CONSISTENT WITH MOST

OF ZONE ONE OF WHAT WE IDENTIFIED IN THE COMMUNITY PRESERVATION AND REVITALIZATION ZONE, MINUS SOME OF THE AREA AROUND GOVALLE AND ADDING SOME OF THE AREAS AROUND CHERRY WOOD AND THE BLACK LAND NEIGHBORHOODS. AFTER THE DISTRICT IS GUESS I GUESSNATED THERE ARE SOME RESPONSIBILITIES AND DUTIES. THE CITY AND THE COUNTY ARE DIRECTED TO PREPARE AN ANNUAL INVENTORY OF ALL LAND THEY OWN WITHIN THE DISTRICT AND OF PROJECTED USES. THE CITY AND THE COUNTY ARE REQUIRED TO PREPARE AN INVENTORY OF PROPERTIES IN THE DISTRICT WITH TAXES DELINQUENT FOR MORE THAN TWO YEARS, TWO OR MORE YEARS. AND WE ARE CURRENTLY WORKING ON THAT LIST. AND THE CITY MAY PROVIDE TAX EXEMPT BOND FINANCING, DENSITY BONUSES OR OTHER INCENTIVES TO INCREASE THE SUPPLY OF AFFORDABLE HOUSING WITHIN THE DISTRICT. THE REMAINING OF THIS BRIEFING WILL FOCUS ON THE THREE TOOLS, FIRST THE HOMESTEAD LAND BANK. THE LAND BANK PERMITS ACQUISITION OF ABANDONED AND FORECLOSED LAND FOR THE PROVISION OF AFFORDABLE HOUSING. THE FUNCTION OF THE LAND BANK IS TO ACQUIRE APPROPRIATE FROM FORECLOSURE AND MAKE AVAILABLE TO COMMUNITY HOUSING ORGANIZATIONS AND QUALIFIED DEVELOPERS FOR USE AS AFFORDABLE HOUSING. THIS CHART ILLUSTRATES HOW -- THERE YOU GO. THIS CHART ILLUSTRATES THE PROCESS OF THE CREATION OF THE LAND BANK. AFTER DESIGNATING THE DISTRICT, THE COUNCIL MAY APPROVE THE CREATION OF A HOMESTEAD PRESERVATION LAND PROGRAM. THE CITY THEN PREPARES A LAND BANK PLAN THAT OUTLINES HOW THE PROGRAM WILL OPERATE. PRIOR TO ADOPTING A LAND BANK PLAN, A PUBLIC HEARING PROCESS IS REQUIRED. WUPS IT IS COMPLETE THE COUNCIL MAY ADOPT THE LAND BANK PLAN FOR IMPLEMENTATION. THE LAND BANK PLAN IS ADOPTED ANNUALLY AND MAY BE MODIFIED FROM TIME TO TIME. IT'S ALSO A REQUIREMENT THAT AN INTERLOCAL AGREEMENT BETWEEN ALL TAXING JURISDICTIONS BE CREATED BECAUSE OF THEIR INTEREST IN THE PROPERTY TAX FORECLOSURE SALE. THE INTERLOCAL AGREEMENT STIPULATES THAT EACH TAXING JURISDICTION AGREES THAT ELIGIBLE PROPERTIES FORECLOSED FOR NONPAYMENT OF TAXES MAY BE SOLD IN A PRIVATE SALE

TO THE LAND BANK PRIOR TO PUBLIC AUCTION OR BEFORE THE PROPERTY HITS THE COURTHOUSE STEPS, WHICH IS VERY IMPORTANT. THERE ARE A NUMBER OF TRANSFER AND RESALE REQUIREMENTS IN THE HOMESTEAD LAND BANK. THE PRIMARY REQUIREMENTS ARE THAT THE ELIGIBLE PROPERTY UNDER THE LAND BANK MUST MEET THESE CRITERIA, THE INTERLOCAL AGREEMENT MUST BE IN PLACE, THE APPRAISED VALUE OF THE PROPERTY MUST BE LESS THAN THE FORECLOSURE VALUE AMOUNT. THE LAND MUST BE VACANT OR UNIMPROVED. THE TAXES MUST BE DELINQUENT FOR AT LEAST FIVE YEARS. THE SALE OF THE PROPERTY IS FOR A PUBLIC PURPOSE SUCH AS AFFORDABLE HOUSING. THE HOMEOWNER OF THE PROPERTY IS NOTIFIED AND DOES NOT PROTEST THE SALE. ADDITIONALLY THE PROPERTY MUST BE SOLD WITHIN THREE YEARS OF ACQUISITION OR IT REVERTS BACK TO THE TAXING UNITS. LAND BANK PROPERTIES MUST BE SOLD FOR AFFORDABLE HOUSING, EITHER SINGLE OR MULTI-FAMILIES. THERE ARE ALSO RESTRICTIONS ON THE NUMBER OF PROPERTIES A COMMUNITY HOUSING DEVELOPMENT ORGANIZATION OR A DEVELOPER MAY HOLD, AND RESTRICTIONS THAT CONSTRUCTION MUST BEGIN WITHIN TWO YEARS OR AGAIN THE LAND REVERTS BACK TO THE LAND BANK. THE HOMESTEAD LAND TRUST. I'LL REMIND YOU AGAIN THAT THE COMMUNITY LAND TRUST INITIATIVE, THE STAKEHOLDER PROCESS KICKED OFF ON JANUARY 6 AND WE'RE BRINGING FORWARD THE IMPLEMENTATION REMGHTSES FOR A COMMUNITY LAND TRUST, BUT THERE IS ALSO A PROVISION IN HOUSE BILL 525 THAT HAS THE PROVISION OF A HOMESTEAD LAND TRUST. THE HOMESTEAD LAND TRUST, THE MISSION OF IT IS TO PROMOTE RESIDENT HOME OWNERSHIP, CONVERT INVESTMENT INTO LONG-TERM AFFORDABILITY OF HOUSING AND BENEFIT FROM THE LAND TRUST DEVELOPMENT. THE HOMESTEAD LAND TRUST ACQUIRES AND HOLDS LAND FOR THE BENEFIT OF DEVELOPING AND PRESERVING LONG-TERM AFFORDABLE HOUSING IN THE DISTRICT. THE HOMESTEAD PRESERVATION ACT RECOGNIZES THAT MULTIPLE AFFORDABLE HOUSING LAND TRUSTS MAY BE CREATED. THE CITY COUNCIL HAS THE AUTHORITY TO ADOPT AN ORDINANCE THAT DESIGNATES A QUALIFIED CHODO TO SERVE AS A LAND TRUST. THE CITY COUNCIL MAY CREATE A NEW ENTITY TO

ADMINISTER THE HOMESTEAD PRESERVATION LAND TRUST. LAND TRUSTS UNDER THE HOMESTEAD PRESERVATION ACT IS REQUIRED TO BE NONPROFIT, CREATED TO HOLD LAND LONG-TERM FOR AFFORDABLE HOUSING AND. OTHER RESTRICTIONS ARE THAT THE HOUSING UNIT IN THE HOMESTEAD LAND TRUST MUST BE SOLD TO HOUSEHOLDS AT OR BELOW 70% OF FAMILY MEDIAN INCOME. A MINIMUM OF 40% OF THE UNITS ARE SOLD TO HOUSEHOLDS AT OR BELOW 50% OF THE MEDIAN FAMILY INCOME AND A MINIMUM OF 10% ARE SOLD TO HOUSEHOLDS AT OR BELOW 30% OF MEDIAN FAMILY INCOME. IF A LAND TRUST IS CREATED PURSUANT TO THE HOMESTEAD PRESERVATION ACT, THEN THE PROPERTY OF THE TRUST IS EXEMPT FROM ALL TAXES OTHER THAN A SCHOOL DISTRICT. THE SCHOOL TAX BURDEN IN THIS COMMUNITY IS 62% OF THE PROPERTY OWNER'S TOTAL TAX BILL. SO THAT IS AN ISSUE FOR US. THE THIRD COMPONENT OF HOUSE BILL 525, THE HOMESTEAD PRESERVATION REINVESTMENT ZONE IS ESSENTIALLY AN AFFORDABLE HOUSING TAX INCREMENT FUND. AND THE REVENUE GENERATED UNDER THE ZONE WOULD BE DEDICATED TO AFFORDABLE HOUSING. THIS SLIDE SHOWS THE PROCESS FOR THE CREATION OF A REINVESTMENT ZONE. AFTER CREATING THE GEOGRAPHIC BOUNDARIES OF THE ZONE WHICH WE JUST DESCRIBED OR COULD BE SMALLER THAN THAT ZONE, THE CITY PROPOSES A PRELIMINARY ZONE FINANCING PLAN. A PUBLIC NOTICE AND HEARING PROCESS IS REQUIRED. THE CITY NOTIFIES THE COUNTY OF THE PROPOSED FINANCING PLAN AND THE COUNTY NOTIFIES THE CITY OF ITS INTENT TO PARTICIPATE. THERE IS LITTLE INCENTIVE OR BENEFIT TO THE CITY TO CREATE A TIF UNLESS THERE IS COUNTY PARTICIPATION AND PARTNERSHIP. THE CITY CURRENTLY HAS AUTHORITY TO DEDICATE REVENUE TO AFFORDABLE HOUSING, BUT THE PURPOSE IS TO LEVERAGE OTHER FUND SOURCES. THE CITY IS RESPONSIBLE FOR THE FUNDS UNDER THE ACT. THE REVENUE IN THE FUND IS DEDICATED FOR THE DEVELOPMENT AND PRESERVATION OF AFFORDABLE HOUSING WITHIN THE ZONE BY A CHDO LAND TRUST OR LAND BANK AND FUNDS ARE DEDICATED TOED TO PURCHASE OF REAL PROPERTY, THE CONSTRUCTION OR REHABILITATION OF AFFORDABLE HOUSING. AN ANNUAL REPORT WOULD BE PREPARED BY THE CITY AND GIVEN TO

THE COUNTY AND OTHER STAKEHOLDERS. THERE ARE RESTRICTIONS ON THE USE OF TIF FUNDS, RESTRICTIONS ON REVENUE. ALL REVENUE FROM THE REINVESTMENT ZONE IS DEDICATED TO DEVELOPMENT AND PRESERVATION OF AFFORDABLE HOUSING WITHIN THE ZONE BY CHDO'S, LAND TRUSTS OR LAND BANKS. RESTRICTIONS ON THE AFFORDABILITY PERIOD, ALL HOUSING PRODUCED WITHIN THE REINVESTMENT ZONE MUST HAVE A 30 YEAR AFFORDABILITY PERIOD, AT LEAST MINIMALLY. RESTRICTIONS ON THE PROGRAM AND ADMINISTRATIVE EXPENSES. 80% OF THE FUNDS ARE USED FOR ACQUISITION CONSTRUCTION REHABILITATION WITHIN THE ZONE. 10% OF THE FUNDS COULD BE USED FOR ADMINISTRATION OF THE ZONE AND OF THE FUNDS AND 10% OF ADMINISTRATION OF LAND BANKS AND COMMUNITY HOUSING DEVELOPMENT ORGANIZATIONS. AND THERE ARE SOME DIFFERENCES IN THE RESTRICTION ON INCOME LEVELS WITH THE TAX INCREMENT FINANCING PROVISIONS. AT LEAST 50% OF THE REVENUE MUST BENEFIT FAMILIES AT 50% OF MEDIAN FAMILY INCOME OR BELOW AND AT LEAST 25% OF THE REVENUE MUST BENEFIT FAMILIES OF 30% OF MEDIAN FAMILY INCOME OR BELOW. OBVIOUSLY THE LOWER THE INCOME LEVEL, THE MORE MONEY YOU NEED TO PROVIDE THE INCENTIVES FOR THEM. SO COUNCIL, THIS NEW -- THIS IS NEW LEGISLATIVE GROUND IN THE AREA OF AFFORDABLE HOUSING IN THE STATE OF TEXAS. AND IT COULD PROVIDE VALUABLE RESOURCES TO US AS WE ADDRESS THE AFFORDABLE HOUSING GOALS THAT WE'RE STRIVING TO REACH IN THIS COMMUNITY. THERE ARE ADDITIONAL PROTECTIONS THAT WE ARE WORKING TO SECURE. CURRENTLY FUNDING FOR PUBLIC INFRASTRUCTURE BEING INELIGIBLE, DELINQUENT OR ABATED TAXES MUST BE PAID BY THE MUNICIPALITY, AN UNDETERMINED DATE FOR THE ZONE. COUNTY PARTICIPATION NOT BEING REQUIRED, AND NOT BEING ABLE TO COMMIT LESS THAN 100% OF THE TAX INCREMENT. AND I WOULD REMIND YOU IN CONCLUSION THAT STAFF ARE IMPLEMENTING THE FOLLOWING AFFORDABLE HOUSING INITIATIVES. THE CPNR INITIATIVE, TAX ABATEMENT PROCESS SHOULD BE COMING FORWARD SHORTLY. THE CITY OF AUSTIN CAN ONLY DO SO MUCH IN MAKING A SIGNIFICANT DIFFERENCE BY A TAX ABATEMENT IN A PROPERTY OWNER'S TAX BILL BECAUSE WE ONLY

REPRESENT 17 TO 18 CENTS OF EVERY DOLLAR IN THAT BILL. THE COMMUNITY LAND TRUST INITIATIVE. AGAIN, THE STAKEHOLDER PROCESS HAS BEGUN AND WE WILL BE BRINGING FORWARD OPTIONS AND IMPLEMENTATION RECOMMENDATIONS IN MARCH. THE LAND BANK INITIATIVES, THE PROJECT AMERICAN DREAM INITIATIVE THAT THE AUSTIN CHAMBER OF COMMERCE HAS BEEN WORKING ON FOR SEVERAL YEARS WITH THE CITY AND ALL THE OTHER PARTNERS WILL BE HELPED TREMENDOUSLY BY THIS LEGISLATION AND THE ENABLING COMPONENTS OF THIS LEGISLATION. SO THE LAND BANK INITIATIVE IS STRONG. IT IS CONSISTENT WITH THE WORK THAT WE HAVE DONE BETWEEN THE AUSTIN HOUSING FINANCE CORPORATION IN OUR MONTOPOLIS TRACT, FOR EXAMPLE, WHERE WE BUY LAND AND WORK WITH NONPROFITS TO GET THAT LAND DEVELOPED AFFORDABLY. AND IT'S ALSO THE LAND BANK INITIATIVE IS ALSO A HIGH PRIORITY OF THE NEIGHBORHOOD SUSTAINABILITY COMMITTEE OF THE WORK THAT WE'VE DONE IN THE AFRICAN-AMERICAN QUALITY OF LIFE EFFORTS. AND IN THE HOMESTEAD PRESERVATION ACT, WE ARE GOING TO -- ON THE LAND TRUST CONTINUE TO WORK AND COLLABORATE WITH REPRESENTATIVE RODRIGUEZ AND THE COUNTY TO MAXIMIZE THE AFFORDABLE HOUSING TOOLS UNDER THE ACT. WE WANT TO SEEK CLARE CLARIFICATION ON SOME TAX EQUIPMENT FOR AFFORDABLE HOUSING PROVIDERS AND EXPLORE FUNDING METHODS WHICH INCLUDE GENERAL OBLIGATION BONDS WHICH WE HEARD ABOUT THIS LAST WEEK. TO CONCLUDE, THE MAJOR CHALLENGE FOR US AS STAFF WORKING WITH ALL OF OUR STAKEHOLDERS AND OURSELVES IS TO DETERMINE HOW TO LEVERAGE THESE INITIATIVES TO ASSIST IN ACHIEVING OUR THREE PRIMARY AFFORDABLE HOUSING GOALS, MITIGATING GENTRIFICATION, PRESERVING LONG-TERM AFFORDABILITY AND RECYCLING PUBLIC INVESTMENT. THAT CONCLUDES MY BRIEFING.

Mayor Wynn: THANK YOU, MR. HILGERS. QUESTIONS FOR STAFF? COMMENTS, COUNCIL? COUNCILMEMBER ALVAREZ.

Alvarez: THANKS, MAYOR. THANKS, MR. HILGERS FOR THAT OVERVIEW. THE LEGISLATION, I DO THINK IT'S A LAW I THINK THAT HAS SOUGHT TO PROVIDE US SOME RESOURCES, SOME TOOLS TO ADDRESS OUR AFFORDABLE HOUSING

NEEDS AND SOME OF THE CHALLENGES THAT WE'VE FACED OVER THE PAST FIVE TO 10 YEARS AND THAT WE'RE TRYING TO CONTINUE TO TACKLE WITH A LOT OF THE TOOLS THAT YOU OUTLINED IN YOUR PRESENTATION. AND I KNOW SOME OF THOSE ITEMS WILL BE MOVING FORWARD WITH -- SORT OF IN THE NEAR FUTURE. WE TALKED ABOUT THE TAX ABATEMENT IDEA AND THE ONGOING DIALOGUE, I BELIEVE, IF IT'S BEGUN ON THE LAND TRUST AND HOW TO GET THAT SET UP, BUT I KNOW YOU TALKED ABOUT THAT THROUGH THE HOMESTEAD PRESERVATION LAW THAT WAS PASSED, IT'S A DIFFERENT TYPE OF TAX INCREMENT FINANCING AUTHORITY THAT'S GRANTED TO THE CITY, SO MAYBE IF YOU COULD JUST TALK JUST REAL BRIEFLY ABOUT MAYBE WHAT THAT BILL ALLOWS US TO DO IN TERMS OF AFFORDABLE HOUSING, WHICH THE TYPICAL TIF DOES NOT BECAUSE I KNOW THERE'S DIFFERENT USES FOR THE FUNDS IN A TIF DISTRICT NORMALLY THAN THERE IS UNDER THIS LAW. BUT IT MIGHT HELP TO HIGHLIGHT A LITTLE BIT THE KINDS OF THINGS THAT WE MIGHT BE ABLE TO DO UNDER THIS ACT VERSUS JUST UNDER THE NORMAL REINVESTMENT ZONES THAT MUNICIPALITIES CAN TYPICALLY CREATE.

YES, SIR. TYPICALLY TAX INCREMENT FINANCING ZONES HISTORICALLY FRURKT COSTS, DEVELOPMENT COSTS, THOSE KIND OF THINGS, THERE HAS NOT BEEN IN THIS COMMUNITY ANY KIND OF TAX INCREMENT FINANCING FUNDING FOR AFFORDABLE HOUSING DIRECTLY. AND SO TO ALLOCATE FUND, TO EARMARK FUNDS THAT WOULD BE GENERATED IN AREAS WHERE WE KNOW THAT PROPERTY TAXES ARE INCREASING AND TO CAPTURE SOME OF THOSE INCREASES FOR THE PURPOSES OF HELPING TO ADDRESS MAINTAINING DIVERSITY, MAINTAINING THE DIVERSITIES FOR SOME OF THE FAMILIES WHO HAVE LIVED IN THIS AREA FOR A LONG TIME, NOT TO BE MOVED OUT, IS THE INTENT BEHIND THIS LEGISLATION. AND SO IN THAT SENSE IT DOES BREAK NEW GROUND IN ALLOWING US TO USE FUNDS THROUGH THE TAX INCREMENT FINANCING MECHANISM THAT WE HAVE NOT USED IN THIS COMMUNITY BEFORE.

Alvarez: BUT IT SEEMS LIKE UNDER THE TYPICAL TIF, YOU COULD TO A CERTAIN DEGREE USE SOME OF THE -- THAT TAX INCREMENT TOWARDS INFRASTRUCTURE THAT SUPPORTS AFFORDABLE HOUSING, BUT IT SEEMS LIKE AT

LEAST IN MY READING OF THE BILL THAT THE INTENT IS THAT THE FUNDS ARE DEDICATED FOR AFFORDABLE HOUSING, BUT THEY DON'T NECESSARILY HAVE TO BE DEDICATED TO INFRASTRUCTURE. IT SEEMS LIKE THERE'S MORE FLEXIBILITY IN TERMS OF HOW TO USE THOSE FUNDS TO MEET YOUR AFFORDABLE HOUSING GOALS BECAUSE OBVIOUSLY INFRASTRUCTURE INVESTMENT IS JUST ONE WAY WE CAN SORT OF MAKE A DENT IN TERMS OF THE COST OF HOUSING, BUT IT SEEMS LIKE THERE'S MORE FLEXIBILITY IN WHAT WE CAN DO IN THAT TYPE OF DISTRICT.

NO QUESTION THERE IS. AND ESPECIALLY WHEN YOU'RE TALKING ABOUT REHABILITATION. ESSENTIALLY WHAT YOU'RE TALKING ABOUT IS USING TAX INCREMENT FINANCING TO FUND ACTIVITIES, LITERALLY DIRECT ACTIVITIES TO FAMILIES THAT ARE HISTORICALLY NOT AND HAVE NOT BEEN CONSIDERED PART OF A NORMAL TIF. SO I THINK PARTICULARLY WITH REGARD TO BESIDES THE AFFORDABLE HOUSING, WHICH I COULD MAKE THE ARGUMENT ABOUT WHETHER IT'S AN ECONOMIC DEVELOPMENT PROGRAM BECAUSE YOU'RE CREATING HOUSING AND DOING THINGS, BUT ACTUALLY REHABILITATION OF EXISTING PROPERTY AND ALLOWING PEOPLE TO STAY IN THAT PROPERTY IS A UNIQUE AND FLEXIBLE OPPORTUNITY THAT'S INTENDED THROUGH THIS TAX INCREMENT FINANCING MECHANISM THAT I THINK IS PROVIDING MORE FLEXIBILITY THAN WE'VE HAD IN THE PAST.

AND I JUST WANTED TO MAKE THAT POINT BECAUSE THERE IS I THINK SIGNIFICANT GROUND BROKEN WITH THIS LEGISLATION AND I KNOW WE'LL BE WORKING WITH REPRESENTATIVE RODRIGUEZ AND HIS STAFF IN TERMS OF TRYING TO FIGURE OUT HOW THIS BEST FITS IN TO OUR OVERALL STRATEGY TO ADDRESS OUR HOUSING NEEDS, BUT I DID KIND OF GIVE KUDOS TO REPRESENTATIVE RODRIGUEZ FOR DOING SOMETHING, PASSING LEGISLATION THAT PROVIDES A NEW TOOL FOR US TO USE THAT I KNOW WE'VE BEEN SEARCHING FOR I GUESS AS LONG AS I'VE BEEN ON THE COUNCIL AND LONG BEFORE THAT I'M SURE FOLKS WERE ALREADY LOOKING, SO I DO WANT TO THANK REPRESENTATIVE RODRIGUEZ FOR THAT.

AND HE ALSO DESERVES THANKS FOR HAVING A PIECE OF

LEGISLATION THAT HAS THE IDEA OF A COMMUNITY LAND TRUST IN THE STATE OF TEXAS. IT IS VERY FAR REACHING AND POTENTIALLY VERY IMPORTANT LEGISLATION IN THE STATE FOR THE AREAS OF AFFORDABLE HOUSING.

Alvarez: THANK YOU, MR. HILGERS.

Mayor Wynn: FURTHER COMMENTS, QUESTIONS?
COUNCILMEMBER KIM.

Kim: MR. HILGERS, I WANTED TO FIRST OF ALL SAY I GOT -- I THINK SOMEONE FROM THE PLANNING DEPARTMENT IN HOUSTON TOLD ME HE WAS REALLY EXCITING IN SEEING WHAT AUSTIN DOES WITH THIS LEGISLATION. THEY'RE VERY INTERESTED IN THIS AS WELL SINCE THIS IS APPLIED ONLY TO AUSTIN. I THINK THEY'RE LOOKING AT HOW THEY COULD USE SOME OF THE TOOLS THAT ARE IN THIS BILL, SO I THINK THAT AS WE GO FORWARD WE'RE GOING TO LEARN MORE ABOUT HOW IT FITS IN WITH ALL THE DIFFERENT INITIATIVES WE HAVE FOR THE COMMUNITY LAND TRUST AND THE BONDS AND SO I APPRECIATE YOUR WORK ON THAT. I KNOW YOU'VE GOT A LOT ON YOUR PLATE AND A LOT OF DIFFERENT ASPECTS TO LOOK AT IT FROM. I ALSO WANTED TO ASK YOU ABOUT THE TAXING JURISDICTIONS THAT -- WHAT IS THEIR ROLE IN THIS AND HOW CAN YOU GET, I GUESS, THE SUPPORT AND THE ASSISTANCE FROM THE COUNTY AND THE SCHOOL DISTRICTS IN TERMS OF THIS LEGISLATION OR EVEN FUTURE LEGISLATION IN THE NEXT SESSION IF WE WANT TO TAKE ADVANTAGE OF SOME OF THESE TOOLS?

I'LL TAKE A SHOT AT THAT AND SAY MY EXPERIENCE IS THAT THE AFFORDABLE HOUSING ISSUE IS RISING IN ITS IMPORTANCE AND SIGNIFICANCE IN THIS COMMUNITY AND ALL TAXING JURISDICTIONS ARE RECOGNIZING THAT. THERE ARE -- AND I WOULD ALSO SAY THAT AS LONG AS ALL TAXING JURISDICTIONS ARE FUNDED PRIMARILY WITH PROPERTY TAXES, WE ARE CHALLENGED TO DEAL WITH THIS ISSUE. IT'S JUST A FACT. AND SO WHEN YOU LOOK AT BOTH OF THOSE DYNAMICS, THEN THE PRESSURE COMES TO US TO FIGURE OUT WHAT ADDITIONAL TOOLS DO WE HAVE IN MAKING SURE, FOR EXAMPLE, WHICH WE'VE DONE IN CPNR, THAT PEOPLE KNOW WHAT TAX ADVANTAGES ARE OUT THERE

FOR THEM TO PROTECT THEIR HOMESTEAD ALREADY AND ARE THEY TAKING ADVANTAGE OF THOSE? CAN WE USE EVEN THESE NEW INITIATIVES AS A MECHANISM TO EDUCATE THE INDIVIDUAL ABOUT WHAT THEY'RE DOING ON THEIR OWN PROPERTY TAXES, AND THEN WORK WITH OUR PARTNERS. AND I THINK YOUR POINT OF BRINGING UP HOUSTON AND OTHER CITIES TO HELP BRING THIS LEGISLATION ALONG FOR THE BALANCE OF THE STATE AS WE HAVE BROKEN GROUND HERE WOULD BE A HELPFUL EFFORT FOR US. AND WE ARE CONTINUING -- I WILL TELL YOU IN THE LAND BANK INITIATIVE THERE HAS BEEN SIGNIFICANT WORK AND ALMOST COMPLETE APPROVAL, I BELIEVE, FROM ALL THE JURISDICTIONS THAT THEY WANT TO PARTICIPATE IN WHAT WAS AGAIN AN EFFORT LED PRIMARILY BY THE CHAMBER AND THE PROJECT AMERICAN DREAM THAT THIS BILL ONLY SUPPORTS. SO I SEE THOSE AS POSITIVE SIGNS FOR US IN AN AREA THAT IS BECOMING SO HIGHLY SIGNIFICANT TO OUR COMMUNITY THAT IS AGAIN FAIRLY NEW GROUND LEGISLATIVELY, BUT ALSO FROM A JURISDICTIONAL LEVEL FOR A.C.C. AND FOR THE HOSPITAL DISTRICT TO SAY AFFORDABLE HOUSING IS IN OUR MISSION AND WE SHOULD SUPPORT IT. IT IS AN EFFORT THAT WE NEED TO CONTINUE TO MAKE. >>

Kim: THANKS. I WANTED TO THANK REPRESENTATIVE RODRIGUEZ FOR PASSING THIS LEGISLATION AND I LOOK FORWARD TO WORKING WITH HIS OFFICE AS WELL AS WITH AT THE COUNTY, THE OTHER JURISDICTIONS AND GETTING THEIR ASSISTANCE AND FINDING A WAY FOR US TO MAKE THIS WORK FOR EVERYONE. THANK YOU.

THANK YOU VERY MUCH.

Mayor Wynn: THANK YOU, MR. HILGERS. FURTHER QUESTIONS, COMMENTS, COUNCIL? IF NOT, WE WILL NOW ACTUALLY GO TO OUR 3:00 O'CLOCK BOARD OF DIRECTORS MEETING OF THE AUSTIN HOUSING FINANCE CORPORATION.

FUNNY HOW THAT WORKS.

Mayor Wynn: AT THIS TIME WE WILL RECESS THE MEETING OF THE CITY COUNCIL, CALL TO ORDER THIS MEETING OF THE AUSTIN HOUSING FINANCE CORPORATION BOARD.

WELCOME MR. HILGERS.

THANK YOU, MR. CHAIRMAN. I AM COMING TOGETHER -- COMING TO YOU NOW TO ADDRESS SOME ISSUES OF THE AUSTIN HOUSING FINANCE CORPORATION. THESE ARE -- THERE'S NO BUSINESS TRANSACTIONS TODAY WITH REGARD TO ANY LOANS OR ANY ADDITIONAL HOUSING BEING CREATED. TODAY I'M HERE TO TAKE CARE OF SOME ADMINISTRATIVE ISSUES WITH REGARD TO SOME CHANGES. AS YOU KNOW, LUPE MORE REEN HAS RETIRED AND ROGER HAS LEFT FOR GREENER PASTURES AND HE'S A BRAND NEW FATHER AND SO WE HAVE SOME BOARDS THAT WE ARE RESPONSIBLE FOR AS THE AUSTIN HOUSING FINANCE CORPORATION, AND THAT'S THE PRIMARY PURPOSE OF THE FOUR ITEMS BEFORE YOU TODAY. BUT THE FIRST ITEM IS TO APPROVE THE MINUTE OF THE DECEMBER FIRST 2005 BOARD MEETING OF THE AUSTIN HOUSING FINANCE CORPORATION.

Mayor Wynn: I'LL ENTERTAIN THAT MOTION.

MOVE APPROVAL.

Mayor Wynn: MOTION MADE BY BOARD MEMBER DUNKERLEY, SECONDED BY BOARD MEMBER MCCRACKEN TO APPROVE THOSE MINUTES. ALL IN FAVOR? OPPOSED? MOTION PASS OZ A VOTE OF SIX TO ZERO WITH VICE-PRESIDENT THOMAS OFF INDICT AS.

ON AHFC ITEM NUMBER 2, COUNCIL, WE APPROVE A RESOLUTION APPOINTING THE DIRECTORS AND THE PRESIDENT OF BOARD OF DIRECTORS OF THE ARREST BERZ AT CREEK SIDE NONPROFIT ORPTION. IT'S THE NONPROFIT CORPORATION THAT OVERSEES OUR ROLE AS GENERAL PARTNER IN PRIMROSE OF SHADOW CREEK, AN INDEPENDENT LIVING FACILITY FOR SENIORS OVER 55.

Mayor Wynn: QUESTIONS, COMMENTS? IF NOT, I'LL ENTERTAIN THE MOTION.

Dunkerley: MOVE APPROVAL.

Mayor Wynn: MOTION MADE BY BOARD MEMBER DUNKERLEY

THAT I'LL SECOND TO APPROVE ITEM NO. 2 OF THIS BOARD RESOLUTION. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR, PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED? MOTION AGAIN PASSES ON A VOTE OF SIX TO ZERO.

SINCE YOUR LAST MEETING WE HAVE APPOINTED KELLY WISE AS THE DIRECTOR OF THE AUSTIN HOUSING FINANCE CORPORATION WHO WORKS FOR ME. THE NEXT ITEM IS TO APPROVE A RESOLUTION APPOINTING TWO DIRECTORS TO THE BOARD OF DIRECTORS OF THE VILLAS ON SIXTH STREET NONPROFIT CORPORATION, WHICH IF YOU'LL GO TO SIXTH STREET AND SEE THAT DEVELOPMENT YOU WILL SEE THAT IT IS GETTING CLOSER AND CLOSER TO BEING FINISHED AND WE'RE GETTING VERY PROUD OF THAT. BUT THIS ACTION APPOINTS TWO DIRECTORS TO THAT BOARD AND AGAIN THAT IS THE PROPERTY ON SIXTH STREET THAT WAS CREATED BY AHFC. WE'RE THE GENERAL PARTNER IN THAT. IT'S THE 160 UNITS OF FAMILY -- 160 UNITS OF FAMILIES ALL BELOW 60% OF MEDIAN FAMILY INCOME, SOME AT 40% OF MEDIAN FAMILY INCOME ON THE 1900 BLOCK OF EAST SIXTH STREET. AND I WOULD RECOMMEND THAT FOR YOUR APPROVAL.

Mayor Wynn: I'M SORRY, MR. HILGERS, I MISSED THE ACTUAL NAMES OF THE TWO DIRECTORS WERE --

THE AXE APPOINTS KELLY WISE AS THE DIRECTOR OF THE VILLAS ON SIXTH STREET NONPROFIT CORPORATION TO FILL AN UNEXPIRED TERM ENDING JANUARY FIRST, 2007, AND APPOINT MARTIN GONZALES AS THE DIRECTOR TO FILL THE UNEXPIRED TERM ENDING 2009.

Mayor Wynn: AGAIN, QUESTIONS, COMMENTS, BOARD? COUNCILMEMBER KIM.

Kim: MR. HILGERS, COULD YOU SAY AGAIN WHEN THIS PROJECT IS -- WHAT PHASE IT'S IN RIGHT NOW? I KNOW A LOT OF PEOPLE ARE PARTICIPATING.

THE VILLAS ON SIXTH STREET IS ON SIXTH STREET AT 1900 BLOCK OF EAST SIXTH STREET, JUST BETWEEN, SANDWICHED BETWEEN PEDERNALES VILLAS AND SALTILLO LOFTS, A MULTI-FAMILY, LOW INCOME PROPERTY. WITH WE ARE THE PARTNER WITH THAT WITH CAMPBELL ASSOCIATES WHO ARE MANAGING THE CONSTRUCTION OF THAT PROJECT. WE ESTIMATE THAT THEY ARE BEGINNING PRELEASING AS EARLY AS FEBRUARY AND WE'LL START -- WE'RE ANTICIPATING MOVING IN FOLKS AS EARLY AS MARCH, APRIL TIME FRAME, SO WE'RE CLOSE. >>

Kim: SO FAIRLY SOON WE'LL START IN ABOUT FEBRUARY?

THAT'S CORRECT.

Kim: HOW ARE YOU GETTING THE WORD OUT ABOUT PRELEASING?

WE HAVE A REALTOR, A PROPERTY AGENT. THAT'S A LOT OF INFORMATION AND A LOT OF INTEREST IN THIS PROPERTY. AND WE'RE MEETING MONTHLY WITH THE DEVELOPERS AND THEIR REAL ESTATE AND THEIR PROPERTY MANAGEMENT TEAM TO ADDRESS ISSUES IN THE COMMUNITY. THERE'S A NEWSLETTER THAT GOES TO THE COMMUNITY, SO THERE'S A LOT OF ACTIVITY GOING ON TO DO THAT.

Kim: SO WHEN WOULD ANTICIPATED MOVE-IN BE FOR THE UNITS?

WELL, WE ARE ASSUMING THAT PEOPLE WOULD BE ABLE TO MOVE IN IN THE MARCH TO MAYBE THE APRIL TIME FRAME.

Kim: HOW ABOUT THE RETAIL? WHAT IS HAPPENING?

I CAN CHECK IN WITH THAT AND FIND OUT EXACTLY WHERE THEY ARE IN THEIR FINALIZING ALL THE DIFFERENT PARTNERS THAT THEY HAVE AND GIVE YOU A LIST OF THE PARTNERS THAT THEY'VE GOT. THEY HAVE A COFFEE SHOP ALREADY ESTABLISHED AND I CAN TELL YOU WHERE THEY ARE WITH THOSE CONTRACTS.

Kim: THANK YOU. MAYOR, MOVE APPROVAL.

Mayor Wynn: MOTION BY BOARD MEMBER KIM, SECONDED BY BOARD MEMBER LEFFINGWELL TO APPOINT THESE TWO DIRECTORS TO THE BOARD OF DIRECTORS OF THE VILLAS, THE NONPROFIT CORPORATION AS EXPLAINED BY MR. HILGERS. FURTHER COMMENT? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE. OPPOSED? MOTION PASS OZ A VOTE OF SIX TO ZERO.

THEN ON ONE OF OUR OLDER PROJECTS, THIS IS TO APPOINT KELLY WISE TO THE AUSTIN INNER CITY CORPORATION TO FILL AN UNEXPIRED TERM. THE INNER CITY CORPORATION IS THE CORPORATION THAT OVERSAW THE TAX CREDIT PROJECT ON SCATTERED SITES, SINGLE-FAMILY RENTAL PROPERTY IN HERITAGE HEIGHT THAT WAS FORMERLY KNOWN AS SKIP I. AND SO THAT CORPORATION HAS A VACANCY BECAUSE OF ROGER LEAVING AND KELLY WOULD REPLACE ROGER IN THAT ROLE.

Mayor Wynn: QUESTIONS, COMMENTS? IF NOT, I'LL ENTERTAIN A MOTION. MOTION MADE BY BOARD MEMBER MCCRACKEN THAT I'LL SECOND TO APPOINT MS. WISE TO THE UNEXPIRED TERM OF THE AUSTIN INNER CITY CORPORATION BOARD. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED? MOTION PASSES ON A VOTE OF SIX TO ZERO WITH THE VICE-PRESIDENT OFF THE DAIS.

THAT'S ALL THE BUSINESS I HAVE BEFORE THE BOARD TODAY.

Mayor Wynn: THANK YOU, MR. HILGERS. WITHOUT OBJECTION, BOARD, WE WILL NOW ADJOURN THIS MEETING OF THE AUSTIN HOUSING FINANCE CORPORATION AND CALL BACK TO ORDER THE -- WAIT. WE HAVE NO MORE DISCUSSION ITEMS BEFORE OUR 4:00 O'CLOCK ZONING CASES, SO THE CITY COUNCIL MEETING WILL REMAIN IN RECESS NOW UNTIL 4:00 P.M. APPROXIMATELY. THANK YOU.

Mayor Wynn: I'LL CALL BACK TO ORDER THIS MEETING OF THE AUSTIN CITY COUNCIL. WE'VE BEEN IN RECESS THE LAST

HOUR OR SO. WE NOW TAKE UP OUR 4:00 O'CLOCK ZONING HEARINGS AND APPROVAL OF ZONING ORDINANCES AND RESTRICTIVE COVENANTS.

MY NAME IS GREG GURNSEY, NEIGHBORHOOD PLANNING DEPARTMENT. I'M GOING TO GO THROUGH THE 4:00 O'CLOCK ZONING ITEMS AND I'LL TAKE THOSE ITEMS THAT ARE SECOND AND THIRD READING, EITHER CONSENT OR FOR POSTPONEMENT/CONSENT. OUR FIRST ITEM IS NORTHBOUND 41, CASE C-14-05-0100, LAKE CREEK PARK. THIS IS A REZONING REQUEST AT 10,101 TO 10113 LAKE CREEK PARKWAY. THIS IS A REZONING REQUEST FROM SF-2 2, WHICH IS STANDARD SINGLE-FAMILY, STANDARD LOT, LIMITED OFFICE, AND LIMITED OFFICE CONDITIONAL OVERLAY TO LIMITED OFFICE, LO-CO FOR TRACT ONE. TOWNHOUSE CONDOMINIUM OFFICE FOR TRACT 2, AND SF-4 A, WHICH IS SMALL LOT RESIDENTIAL FOR TRACT 3. THIS IS FOR APPROVAL ON SECOND AND THIRD READING. THE NEXT ITEM IS ITEM NUMBER 42, CASE C-14-04-0170. SAN JOSE CHURCH. IT'S READY FOR SECOND READING ONLY. THIS IS A REZONING REQUEST LOCATED AT 2510 SOUTH FIRST STREET FROM SF-3 FAMILY RESIDENCE DISTRICT ZONING TO LO, LIMITED OFFICE CONDITIONAL OVERLAY DISTRICT ZONING, AND GR-CO, COMMUNITY COMMERCIAL DISTRICT ZONING WITH A CONDITIONAL OVERLAY. AND THIS IS RECOMMENDED TO YOU FOR SECOND READING ONLY. ITEM NUMBER 43, THIS IS CASE C-14-05-0025. THIS IS A REZONING REQUEST AT 1706 AND 1708 WEST SIXTH STREET. THIS IS A REZONING REQUEST FROM SF-3 FAMILY RESIDENT NEIGHBORHOOD PLANNING COMBINING DISTRICT ZONING TO NO-MU-CO-NP, WHICH STANDS FOR NEIGHBORHOOD OFFICE, MIXED USE, CONDITIONAL OVERLAY NEIGHBORHOOD PLAN DISTRICT ZONING. THIS IS READY FOR THIRD READING. THERE IS STILL A PENDING NEIGHBORHOOD AGREEMENT THAT'S GOING ON WITH THE PROPERTY OWNER. AS I UNDERSTAND ALL PARTIES ARE IN AGREEMENT WITH THAT, BUT THE ORDINANCE IS READY TO GO FORWARD TODAY ON CONSENT. ITEM NUMBER 44 IS CASE C 814-90-003.13, HARRIS BRANCH P.U.D., AMENDMENT 13, LOCATED AT 1375 U.S. 290 EAST. THIS CASE THE APPLICANT AND THE STAFF ARE WORKING TOGETHER REGARDING SOME OF THE PAPERWORK AND AS A POSTPONEMENT REQUEST BY THE

APPLICANT TO FEBRUARY 16TH.

ITEM NUMBER 45, IS CASE C 814-99.00001.04, AVERY RANCH AMENDMENT 4. THIS IS READY FOR SECOND AND THIRD READING, CONSENT APPROVAL AT FURNISH 900 AVERY RANCH BOULEVARD AND 10550 PARMER LANE. THIS IS FROM H.U.D. TO P.U.D. TO CHANGE IN CONDITIONAL ZONING. THIS IS READY FOR SECOND AND THIRD READING. ITEM NUMBER 46 IS CASE C-14-04-0176, EUERS RETAIL BUILDING LOCATED ON WEST SLAUGHTER LANE. THIS IS A REQUEST FROM THE APPLICANT TO POSTPONEMENT TO MARCH NINTH. ITEM NUMBER 47 IS CASE C-14-05-0118, PFLUGERVILLE WEST SHOPPING CENTER AT 15400, 15417, 15420 AND 15424 PECAN STREET OR FM 1825. THIS IS A REZONING REQUEST FROM GR-CO TO GR-CO IN ORDER TO CHANGE CONDITIONAL ZONING, AND THIS IS READY FOR SECOND AND THIRD READING. ITEM NUMBER 48 IS CASE C-14-05-0108 AT 5717 BALCONES DRIVE. THIS IS A REQUEST FOR SECOND AND THIRD READING FROM SF-3 TO GR-CO WITH SOME CONDITIONS. SINCE THE FIRST READING WE HAVE CREATED -- WELL, LET ME EXPLAIN THE ORDINANCE THAT I THINK WE CAN TAKE ON ALL THREE READINGS TODAY COMBINES PART OF THE ACTIONS TAKEN BY COUNCIL AT FIRST READING, SOME AGREEMENTS THAT HAVE BEEN MADE WITH AND AMONG THE NEIGHBORHOOD GROUPS AND THE PROPERTY OWNER'S AGENT, AND INCORPORATES SOME OF THE CONDITIONS OF THE ZONING AND PLATTING COMMISSION. SINCE WE DON'T HAVE AN ORDINANCE TODAY AND AFTER CONVERSING WITH THE APPLICANT AND THE NEIGHBORHOOD AND WITH THE LAW DEPARTMENT, I THINK I CAN ARTICULATE THE ACTUAL MOTION, ALTHOUGH I'LL HAVE TO READ THROUGH EACH PART, BUT IT CAN BE TAKEN ALL THREE READINGS TODAY AND ALL PARTIES ARE AGREED TO IT. SO WITH THAT, MAYOR, IT WOULD BE FOR GR-CO, COMMUNITY COMMERCIAL CONDITIONAL OVERLAY COMBINING DISTRICT ZONING WITH THESE CONDITIONS EITHER IN THE CO OR IN RESTRICTIVE COVENANT. ONE, THE MAXIMUM HEIGHT TO BE LIMITED TO 30 FEET. TWO, THAT THE IMPERVIOUS COVER BE NO MORE THAN 70%. THREE, THAT ONLY THREE GR USES, WHICH WOULD BE MEDICAL OFFICES EXCEEDING 5,000 SQUARE FEET, HOSPITAL SERVICES LIMITED AND GENERAL RETAIL SALES

CONVENIENCE, BUT LIMITED THROUGH A COVENANT TO A MAXIMUM OF 2,500 SQUARE FEET WOULD BE ACCESSORY TO A MEDICAL OFFICE USE. SO THEY COULD ONLY HAVE THIS RETAIL USE AS ACCESSORY TO A MEDICAL OFFICE USE. AND THEN A LIST OF MANY PROHIBITED USES WHICH WOULD INCLUDE AUTO RENTAL, AUTO REPAIR SERVICES, AUTO SALES, AUTOMOBILE WASHING OF ANY TYPE, BAIL BOND SERVICES, BED AND BREAKFAST GROUP ONE, GROUP TWO, BUSINESS TRADE SCHOOL, BUSINESS SUPPORT SERVICES, LODGE, COMMERCIAL OFF STREET PARKING, COMMUNICATIONS SERVICES, COMMUNITY EVENTS, COMMUNITY RECREATION PRIVATE, COMMUNITY RECREATION PUBLIC, CON GRE GAT LIVING, CONSUMER CONVENIENCE SERVICES, CONSUMER REPAIR SERVICES, CUSTOM MANUFACTURING, DROPOFF RECYCLING COLLECTION FACILITY, EXTERMINATION SERVICES, FINANCIAL SERVICES, FOOD PREPARATION, FOOD SALES, FUNERAL SERVICES, GENERAL RETAIL SALES GENERAL, GROUP HOME CLASS 2, HOSPITAL SERVICES GENERAL, RESTAURANT GENERAL, RESTAURANT LIMITED, SERVICE STATION, SPECIAL USE HISTORIC, TELECOMMUNICATIONS TOWER, THEATER, HOTEL/MOTEL, INDOOR ENTERTAINMENT, INDOOR SPORTS AND RECREATION, OFF SITE ACCESSORY PARKING, OUTDOOR ENTERTAINMENT, OUTDOOR SPORTS AND RECREATION, PARKING FACILITY PROHIBITING PARKING STRUCTURES ONLY, PAWN SHOP SERVICES, PERSONAL IMPROVEMENT SERVICES, PERSONAL SERVICES, PET SERVICES, PLANT NURSERY, RESEARCH ASSEMBLY SERVICES, RESEARCH SERVICES, RESEARCH TESTING SERVICES, RESEARCH WAREHOUSING SERVICES, AND RESIDENTIAL TREATMENT. IT'S MY UNDERSTANDING THIS IS THE AGREEMENT MADE BY BOTH PARTIES AND TAKING INTO CONSIDERATION YOUR FIRST READING ACTION, THAT THIS COULD BE TAKEN ON ALL THREE READINGS TODAY.

COUNCILMEMBER LEFFINGWELL.

FOR CLARIFICATION, AS I RECALL FROM THE LAST MEETING THERE WAS MENTION MADE OF A TRIP LIMIT OF 1250 TRIPS. DID YOU READ THAT OR DID I MISS IT?

YEAH, THAT WOULD BE A MAXIMUM OF 1,250 TRIPS. THAT IS

PART OF THAT.

Leffingwell: OKAY. THANK YOU.

THERE IS A VALID PETITION ON THIS PROPERTY, BUT IT'S MY UNDERSTANDING THE PARTIES ARE IN AGREEMENT TO THESE ITEMS AND IF THERE ARE SIX AFFIRMATIVE VOTES IT COULD BE TAKEN ON ALL THREE READINGS TODAY.

GOING BACK TO CONSENT ITEMS, NUMBER NP-05-0020, PLEASANT HILL SUBDISTRICT, TRACT 30. THIS IS APPROVED THIRD READING OF ORDINANCE AMEND 2050818-Z 001. THERE IS A POSTPONEMENT ON THIS ITEM TO FEBRUARY 16TH. IT'S MY UNDERSTANDING ALL PARTIES ARE IN AGREEMENT TO THAT POSTPONEMENT REQUEST. ITEM NUMBER 50 IS RELATED TO THAT ITEM NUMBER 49. THIS IS CASE C-14-05-0106, WHICH IS THE WEST CONGRESS NEIGHBORHOOD PLAN REZONING AREA, PLEASANT HILL SUBDISTRICT, TRACT NUMBER 30 FOR A PROPERTY LOCATED AT 103 RED BIRD LANE THIS ALSO HAS A VALID PETITION AND THIS IS ALSO A POSTPONEMENT REQUEST TO FEBRUARY 16TH. ITEM NUMBER 51, THIS IS CASE NP-A-05-0022.001, GREATER SOUTH RIVER CITY NEIGHBORHOOD PLAN, TRACT 35. APPROVE SECOND AND THIRD READING OF AN ORDINANCE AMENDING ORDINANCE NUMBER 250929-Z 001 FOR PROPERTY ALONG I-35. AND THIS IS A POSTPONEMENT REQUEST ON THIS PROPERTY AND THE APPLICANT -- THE OWNER'S REPRESENTATIVE CAME TO ME AND ACTUALLY THEY CAN'T BE AVAILABLE FOR THE 16TH, SO THE NEXT DATE THAT WOULD BE AVAILABLE IS MARCH SECOND. A RELATED CASE IS ITEM NUMBER 52, THIS IS CASE C-14-05-0139.002, GREATER SOUTH RIVER CITY COMBINED NEIGHBORHOOD PLAN FOR TRACT 35 AT THAT SAME ADDRESS, 0 I-35 SOUTH. AND THIS IS AGAIN RELATED TO THE PREVIOUS ITEM AND A REQUEST FOR POSTPONEMENT TO THE SECOND. THERE ARE VALID PETITIONS ON THE ZONING REQUEST. I THINK THERE'S AT LEAST TWO. THAT CONCLUDES THE SECOND AND THIRD READING ITEMS EITHER FOR CONSENT APPROVAL OR POSTPONEMENT, AND THEN I'LL GO ON TO THE PUBLIC HEARING ITEMS THAT ARE OFFERED FOR CONSENT IN A MOMENT.

Mayor Wynn: THANK YOU, MR. GURNSEY. SO COUNCIL, OUR

CONSENT AGENDA ON THESE CASES WHERE WE'VE ALREADY HEARD ON SECOND AND THIRD READING ON ITEM 32 FOR SECOND READING ONLY,, ON ITEM 43 TO APPROVE ON THIRD READING, NOTING THAT THE AGREEMENT HAS BEEN REACHED. POSTPONE ITEM 44 TO FEBRUARY 16TH, 2006. TO APPROVE ON SECOND AND THIRD READING ITEM 45. TO POSTPONE ITEM NUMBER 46 TO MARCH 9TH, 2006. TO APPROVE ITEM NUMBER 47 ON SECOND AND THIRD READING. TO APPROVE ITEM 48 ALSO ON SECOND AND THIRD READING WITH NUMEROUS RESTRICTIONS THAT HAVE BEEN READ INTO THE RECORD BY MR. GURNSEY. TO POSTPONE CASES 49 AND 50 TO FEBRUARY 16TH, 2006. AND TO POSTPONE CASES 51 AND 52 TO TEXAS INDEPENDENCE DAY, MARCH 2nd, 2006. I'LL ENTERTAIN A MOTION.

Alvarez: MOVE APPROVAL OF THE CONSENT AGENDA.

Mayor Wynn: MOTION BY COUNCILMEMBER ALVAREZ, SECONDED BY COUNCILMEMBER LEFFINGWELL TO APPROVE THE CONSENT AGENDA AS OUTLINED AND READ. FURTHER COMMENTS? ITEM 48, LEGAL STAFF HAS ALL THE DIRECTION THEY NEED BASED ON THE NOTES FROM MR. GURNSEY TO DRAFT THE ORDINANCE?

MAYOR, THAT IS CORRECT. HE'S GIVEN US THE SPECIFIC LIMITATIONS AND CHANGES BY READING THEM INTO THE RECORD, AND IT WOULD BE VERY EASY TO CRAFT THE DOCUMENTS THAT NEED TO BE DONE FOR SECOND AND THIRD READING. SO WE HAVE SUFFICIENT AND DETAILED INSTRUCTION.

Mayor Wynn: FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED? MOTION PASSES ON A VOTE OF SIX TO ZERO WITH MAYOR PRO TEM THOMAS OFF THE DAIS. MR. GURNSEY?

THANK YOU, MAYOR. I'LL GO ON TO -- THESE ARE THE PUBLIC HEARING ITEMS THAT WE'RE OFFERING FOR CONSENT APPROVAL. OR POSTPONEMENT. THE FIRST ITEM IS ITEM

NUMBER Z-1. C-14-05-0194 KNOWN AS BROWN ANY PARK LOCATED IN THE 10,000 TO 10199 BLOCK OF BROWN ANY DRIVE. THIS IS A REZONING REQUEST FROM MF-2 MULTI-FAMILY RESIDENT LOW DENSITY DISTRICT TO P PUBLIC ZONING. THIS IS RECOMMENDED TO YOU BY THE ZONING AND PLATTING COMMISSION AND IS READY FOR ALL THREE READINGS. ITEM NUMBER Z-2 IS CASE C-14-05-0192, KNOWN AS THE MILL AT 9514 ANDERSON MILL ROAD. THIS IS REZONING REQUEST FROM INTERIM RURAL RESIDENTIAL DISTRICT ZONING TO GR-CO ZONING, WHICH STANDS FOR COMMUNITY COMMERCIAL CONDITIONAL OVERLAY DISTRICT ZONING, AS IT WAS RECOMMENDED BY THE ZONING AND PLATTING COMMISSION, AND THIS IS RECOMMENDED AND READY FOR ALL THREE READINGS. ITEMS NUMBER Z-3, THIS IS CASE C-14-05-0111.01, THE EAST RIVERSIDE OLTORF NEIGHBORHOOD PLAN, TRACT 203, STAFF IS WITHDRAWING THIS ITEM FROM YOUR EATIOND, AGENDA, THERE'S NO ACTION. THIS WILL PROBABLY COME BACK WITH OTHER NEIGHBORHOOD ITEMS LATER THIS YEAR PROBABLY IN APRIL OR MARCH, BUT THERE'S NO ACTION REQUIRED ON ITEM NUMBER Z-3. ON ITEM NUMBER Z-4, WHICH IS CASE C-14-05-0111.02, THE EAST RIVERSIDE/OLTORF NEIGHBORHOOD PLANNING AREA, TRACT 204, STAFF IS ALSO PULLING THIS ITEM OFF THE AGENDA, NO ACTION IS REQUIRED TODAY AND IT WILL BE BROUGHT BACK LATER THIS YEAR. ITEMS 3 AND 4 I UNDERSTAND THE STAFF HAS BEEN IN DISCUSSION WITH THE NEIGHBORHOOD REGARDING THESE ITEMS AND IT IS THEIR DESIRE TO PULL THESE BACK, THE ITEMS WE THOUGHT WOULD ACTUALLY GO CONSENT, BUT WITH THAT DISCUSSION WE THOUGHT IT BEST THESE BE PULLED OFF YOUR AGENDA TODAY FOR ACTION. ITEM Z-5 IS CASE C-14-05-0111.03, THE EAST RIVERSIDE/OLTORF NEIGHBORHOOD PLAN, TRACT 208 FOR PROPERTIES LOCATED AT 2800 AND 2904 METCALF ROAD. THIS IS A REQUEST FROM SF-3 TO P PUBLIC ZONING. THIS IS READY FOR FIRST READING ONLY. ITEM Z-6 IS CASE C-14-05-0111.04, THE EAST RIVERSIDE/OLTORF NEIGHBORHOOD PLAN AREA, TRACT 213 AT 2101 WICKSHIRE, AND THIS IS A REZONING REQUEST FROM SF-3 FAMILY RESIDENCE DISTRICT TO P PUBLIC DISTRICT ZONING. THE PLANNING COMMISSION RECOMMENDED P PUBLIC DISTRICT ZONING AND THIS IS READY FOR CONSENT FOR FIRST READING

ONLY. ITEM NUMBER Z-7, C-14-05-0111.05, THE EAST RIVERSIDE/OLTORF PLANNING AREA, TRACT 224 FOR THE PROPERTIES LOCATED AT 4505, 4707, 4709, 4801, 4803, 4805, 4857, 4808 AND 4811 FROM NF-2 TO SF-6. THE RK RECOMMENDED TOWNHOUSE AND CONDOMINIUM SF-6 ZONING AND THIS IS UP FOR CONSENT ON FIRST READING ONLY. ITEM NUMBER Z-8, CASE C-14-05-002.01 EAST RIVERSIDE OLTORF NEIGHBORHOOD PLANNING AREA, TRACT 15. THIS IS A REZONING REQUEST AT 1902 TO 1912 EAST RIVERSIDE DRIVE FROM COMMERCIAL LIQUOR SALES, CS-1 ZONING TO COMMUNITY COMMERCIAL GR DISTRICT ZONING. THE PLANNING COMMISSION RECOMMENDED COMMUNITY COMMERCIAL GR DISTRICT ZONING AND THIS IS READY FOR FIRST READING ONLY. [ONE MOMENT, PLEASE, FOR CHANGE IN CAPTIONERS]

ITEM NO. Z-13, THIS IS CASE C 1405122. 0 OF, OLTORF, TRACT 57, A REZONING REQUEST AT 1840 BURTON DRIVE. FROM NEIGHBORHOOD COMMERCIAL LR DISTRICT ZONING TO MULTI-FAMILY RESIDENCE MEDIUM DISTRICT FOR DENSITY ZONING. WHICH IS MF 3. THE PLANNING COMMISSION RECOMMENDS MULTI-FAMILY RESIDENCE MEDIUM DENSITY, MF 3 DISTRICT ZONING, READY FOR CONSENT APPROVAL ON FIRST READING ONLY. Z-14, C 14050113, TRACT 300. THIS IS A REZONING REQUEST AT 1005 AND A HALF SOUTH PLEASANT VALLEY ROAD. REZONING REQUEST FOR MULTI-FAMILY RESIDENCE MEDIUM DENSITY MF 3 DISTRICT ZONING TO MULTI-FAMILY RESIDENCE HIGH DENSITY MF 5 DISTRICT ZONING, TO P PUBLIC DISTRICT ZONING, THE PLANNING COMMISSION RECOMMENDATION WAS TO GRANT P PUBLIC DISTRICT ZONING, THIS IS RECOMMENDED FOR CONSENT APPROVAL ON FIRST READING. ITEM NO. Z-15, C 14050113.02, EAST RIVERSIDE/OLTORF NEIGHBORHOOD PLAN AREA, TRACTS 302 AND 303, KNOWN AS 1601 GROVE BOULEVARD. REZONING REQUEST FROM NEIGHBORHOOD COMMERCIAL LR DISTRICT ZONING TO SF 1 DISTRICT ZONING. NEIGHBORHOOD COMMERCIAL MIXED USE, THE PLANNING COMMISSION RECOMMENDATION WAS TO GRANT SF 1 DISTRICT ZONING WHICH IS SINGLE FAMILY RESIDENCE, LARGE LOT DISTRICT ZONING IN TRACT 302, NEIGHBORHOOD COMMERCIAL MIXED USE CONDITIONAL OVERLAY WHICH IS LR MU CO ON TRACT 303. READY FOR FIRST READING ONLY.

ITEM NO. Z-16, C 14050113.13, EAST RIVERSIDE/OLTORF, TRACTS 304, 305 LOCATED AT 5602, 5604, 5607 EAST RIVERSIDE DRIVE, FROM FAMILY RESIDENCE SF 3 DISTRICT ZONING TO SINGLE FAMILY RESIDENCE, [INDISCERNIBLE] DISTRICT ZONING, NEIGHBORHOOD COMMERCIAL MIXED USE CONDITIONAL OVERLAY LR MU CO. THE PLANNING COMMISSION RECOMMENDATION IS TO GRANT SINGLE FAMILY RESIDENCE LARGE LOT SF 1 DISTRICT ZONING IN TRACT 304 AND AVAILABLE COMMERCIAL MIXED USE CONDITIONAL ON TRACT 305. LR MU CO ON TRACT 305. READY FOR CONSENT ON FIRST READING. ITEM Z-17 CASE C 14050113.04, EAST RIVERSIDE OLTORF NEIGHBORHOOD PLANNING AREA, TRACT 309, LOCATE AT 2101 WICKERSHAM LANE. REZONING FROM COMMUNITY COMMERCIAL CONDITIONAL OVERLAY ZONE OR COMMUNITY COMMERCIAL CONDITIONAL OVERLAY ZONING TO COMMUNITY COMMERCIAL MIXED USE COMBINING DISTRICT OR GR-MU, THE PLANNING COMMISSION RECOMMENDATION IS TO GRANT GR MU CO. READY FOR FIRST READING ONLY. SIEF. C14-05-- THIS IS A REZONING REQUEST FROM GENERAL OFFICE CONDITIONAL OVERLAY TO GENERAL OFFICE MIXED USE CONDITIONAL OVERLAY. ZONING OR GO-CO TO GO-MU CO. THE PLANNING COMMISSION RECOMMENDATION WAS TO GRANT GR-MU-CO. READY FOR CONCEPT ON FIRST READING ONLY. ITEM Z-19, C 814-99-001 RCA, AVERY RANCH P.U.D. RESTRICTIVE COVENANT AMENDMENT. THIS IS A REQUEST TO APPROVE AN AMENDMENT TO AN EXISTING COVENANT AT THE AND I AND I AVERY RANCH AT PARMER LANE. THIS IS READY FOR APPROVAL TODAY FOR THIS RESTRICTIVE COVENANT AMENDMENT. ITEM Z-20, C 81499-001.03, AVERY RANCH P.U.D. AMENDMENT NUMBER 3, CONDUCT -- THIS IS A PROPERTY LOCATED AT AVERY RANCH NEAR PARMER LANE. THIS IS A REZONING REQUEST FROM P.U.D. TO P.U.D. IN ORDER TO CHANGE A CONDITIONAL ZONING. THE ZONING AND PLATTING COMMISSION RECOMMENDED THE AMENDMENT, THIS IS READY FOR ALL 3 READINGS. ITEM Z-21, THIS IS A -- A CASE NUMBER C14-050179, SPRING LAKE SUBDIVISION. PROPERTY LOCATED AT 9009 SPRINGLAKE DRIVE. A REZONING REQUEST FROM RR RURAL RESIDENTIAL TO SF 1 SINGLE FAMILY ZONING. THE ZONING ZONINGS RECOMMENDED TO GRANT THIS SINGLE FAMILY LARGE LOT WITH A CONDITIONAL OVERLAY COMBINED DISTRICT ZONING

OR SF 1 ON, THIS IS A POSTPONEMENT REQUEST BY THE APPLICANT. DUE TO THE COMPLEXITY OF THIS CASE, THE CIRCUMSTANCES DEALING WITH SOME OF THE ENVIRONMENTAL ISSUES, STAFF IS ACTUALLY RECOMMENDING THIS BE POSTPONED AS PER THE APPLICANT'S REQUEST TO JUNE 8th, WHICH IS APPROXIMATELY SIX MONTHS. STAFF WILL SEND OUT ANOTHER NOTICE FOR THIS PUBLIC HEARING WHEN IT COMES BACK. SO RESIDENTS WILL BE NOTIFIED WHEN THIS ITEM COMES BACK. ITEM Z-22 IS A -- I BELIEVE OUR ONLY DISCUSSION ITEM THIS EVENING. GO ON TO Z-23, Z-24 REPRESENTED ITEMS, C14-05005 THE GABLES/PARK PLAZA. REZONING REQUEST AT 910 WEST CESAR CHAVEZ STREET. TRACTS 1 AND 2 FROM DOWNTOWN MIXED USE BEGINNING DISTRICT ZONING OR DMU TO DOWNTOWN MIXED USE COMBINED DISTRICT ZONING WITH A CURE, CONDITIONAL OVERLAY, ZONING AND PLATTING COMMISSION RECOMMENDATION WAS TO GRANT DOWNTOWN MIXED USE CENTRAL URBAN REDEVELOPMENT CONDITIONAL OVERLAY WITH CONDITIONS, THIS ITEM BE POSTPONED TO FEBRUARY 9th. STAFF UNDERSTANDS THAT IT IS THE DESIRE BY COUNCIL TO APPROVE THIS POSTPONEMENT REQUEST. RELATED ITEM IS CITY TRACT IS ITEM NO. Z-14 C14-050093 KNOWN AS THE INCREASE SENT IN THE 900 BLOCK OF WEST SAYS EASY THIS ITEM ALSO BE POSTPONED TO THAT SAME DATE FEBRUARY 9th. ACTUALLY FEBRUARY 2nd, EXCUSE ME. FEBRUARY 2nd. THAT'S ITEM Z-23 POERNED TO FEBRUARY 2nd, AND Z-24 POSTPONED TO FEBRUARY 2nd. GROUND HOG DAY.

COUNCILMEMBER MCCRACKEN?

McCracken: MR. GUERNSEY, I HAVE A QUESTION. THERE ARE A NUMBER OF ITEMS FOR THE EAST RIVERSIDE/OLTORF NEIGHBORHOOD PLAN. AND WHAT IS THE -- IS THIS LIKE AN ALREADY APPROVED NEIGHBORHOOD PLAN AND THESE ARE ZONING ITEMS COMING THROUGH ON IT?

THESE ARE ITEMS WHERE MY UNDERSTANDING THERE'S AGREEMENT AMONG ALL OF THE PARTIES, PROPERTY OWNER, NEIGHBORHOOD, A COUPLE OF THE ITEMS ACTUALLY PULLED OFF TONIGHT, THERE WERE SOME PARTIES THAT WERE NOT IN AGREEMENT. SO THOSE ITEMS

WILL BE BROUGHT BACK WITH THE REST OF THE NEIGHBORHOOD PLANNING ITEMS, THIS WILL GO TO COMMISSION SOMETIME IN MARCH, BE BROUGHT BACK TO COUNCIL IN APRIL. THESE ARE THE ITEMS THAT WE ARE AWARE OF THAT WE HAVE CONSENSUS, EVERYONE SEEMS TO BE IN AGREEMENT OF THESE ITEMS MOVING FORWARD. THERE WERE SEVERAL OF THEM, WE DID SEPARATE THEM IN CASE THERE WAS AN ISSUE ON ANY GIVEN ONE THAT WE COULD PULL THEM DOWN TODAY. AND AS FAR AS I KNOW, THERE ARE NO SPEAKERS ON THESE ITEMS EXCEPT FOR Z-3 AND Z-4 THERE MY BE AN INDIVIDUAL THAT HAD A CONCERN, THAT'S WHY WE PULLED THOSE DOWN?

I HAVE BIG CONCERNS ABOUT SOME OF THESE. THESE APPEAR TO BE AT LEAST WHAT IS LISTED HERE TO BE PRETTY SUBSTANTIAL DEVIATIONS FROM THE ENVISION CENTRAL TEXAS DIRECTIVES WHICH ARE TO HAVE MORE MIXED USE IN OUR CORRIDORS AND ACTUALLY CAN YOU GIVE US BACKGROUND, SOME OF THESE APPEAR TO BE SOME -- QUITE A BIT OF -- NOT VERY MUCH MIXED USE THAT WOULD BE VERY DIFFERENT FROM THE SOUTH CONGRESS NEIGHBORHOOD PLAN THAT RECENTLY CAME THROUGH WHERE THERE WAS QUITE A BIT OF MIXED USE. CAN YOU GIVE ME BACKGROUND ON WHAT'S HAPPENING HERE?

Guernsey: WELL, THESE TRACTS THERE HAVE BEEN A LOT OF DISCUSSION AND NEGOTIATION ABOUT THE MIXED USE ELEMENT. WE WILL BE COMING BACK IN MARCH AND APRIL, HOPEFULLY TO HAVE AN AMENDMENT THAT MAY ADDRESS SOME OF THE MIXED USE CONCERNS. PART OF THE MU THERE'S A CONCERN ABOUT THE NUMBER OF APARTMENTS BEING BUILT IN THIS AREA OF THE CITY. THE NEIGHBORHOODS HAVE AN OBJECTION TO SOME OF THE OTHER TYPES OF USES THAT MIGHT GO IN, CONDOMINIUM OR SINGLE FAMILY OR DUPLEX TYPE USES, THOSE ITEMS COULD COME BACK. SO THESE ARE JUST INDIVIDUAL TRACTS WHERE PARTIES HAVE ALL AGREED, THE STAFF WOULD RECOMMEND NOT NECESSARILY FOR MIXED USE IN THESE PARTICULAR TRACTS, BUT TO ALLOW THESE TO GO FORWARD SO PROPERTY OWNERS AREN'T HELD UP BY WAITING FOR THOSE TRACTS THAT WILL COME BACK IN MARCH AND APRIL. SO THIS ISN'T THE ENTIRE NEIGHBORHOOD, BUT THESE ARE TRACTS WHERE

EVERYONE SEEMS TO HAVE CONSENSUS. THE COMMISSION ALSO AGREES THAT THESE CASES COULD GO FORWARD, YOU WILL SEE A LOT OF CASES WHERE THE MIXED USE WILL PROBABLY BE DISCUSSED ON A MAJORITY OF THOSE TRACTS ALONG EAST RIVERSIDE, WHERE THERE'S A LOT OF CONCERN JUST ABOUT EXACTLY WHAT YOU ARE SAYING.

YEAH BECAUSE ANOTHER THING IS THAT THESE ALL OF THESE RIVERSIDE PROPERTIES ARE ALREADY IN THE COUNCIL'S ADOPTED MIXED USE OVERLAY FOR RIVERSIDE DRIVE. WHICH IDENTIFIED RIVERSIDE DRIVE AS THE CORE TRANSIT CORRIDOR. WITH UNANIMOUS SUPPORT. I WANT TO MAKE SURE THERE'S NOT A DEVIATION FROM THE COUNCIL'S ALREADY ADOPTED ACTION WITH ESTABLISHING EAST RIVERSIDE AS A CORE TRANSIT CORRIDOR WITH THE VERTICAL MIXED USE OVERLAY. I'M A LITTLE CONCERNED THAT THERE DOES APPEAR TO BE SOME DEVIATION HERE. ALSO -- ALSO THERE APPEARS TO BE SOME DEVIATION FROM ENVISION CENTRAL TEXAS. WHAT STAFF CAN DO IS SUGGEST POSTPONE THE NEXT MEETING FOR THOSE ITEMS ON RIVERSIDE, PROBABLY SPECIFY WHICH ONES THAT YOU WOULD LIKE, WE CAN TAKE A LOOK AT THOSE ITEMS AND GIVE YOU THAT INFORMATION BEFORE OUR NEXT MEETING.

McCracken: YEAH, I WOULD BE A LOT MORE COMFORTABLE WITH THAT ON THE RIVERSIDE DRIVE ONES. JUST BECAUSE I WANT TO MAKE SURE THAT WE ARE NOT WITH THIS ACTION CONTRADICTING SEVERAL THINGS THAT WE HAVE WORKED ON FOR QUITE A WHILE AND WE MAY NOT BE, BUT -- BUT I WANT TO MAKE SURE THAT WE ARE CONSIDERING ALL OF THOSE TOGETHER. I WOULD BE A LOT MORE COMFORT IF WE REMOVED THE RIVERSIDE DRIVE ITEMS THAT ARE BROUGHT HERE. I THINK IN GENERAL IT'S HELPFUL FOR US TO SEE THE NEIGHBORHOOD PLAN ALSO WHEN WE START TO GET THESE ZONING ITEMS, BECAUSE WE AS THE POLICY MAKERS DO HAVE A NEED TO CONSIDER WHEN WE GET INDIVIDUAL ZONING CASES WE HAVE NO CONTEXT IN WHICH TO JUDGE WHETHER YOU KNOW THE POLICY OF THE COMMUNITY BEING CARRIED OUT I THINK THAT THERE'S A SUBSTANTIAL INTEREST IN THIS COUNCIL AS WE SEE THE BOND PACKAGE COMING UP, TO -- TO CARRY OUT THE -- THE -- THE OVERWHELMING PUBLIC GOALS OF ENVISION CENTRAL TEXAS. SO THAT'S WHY [INDISCERNIBLE] AND THE

ZONING ITEMS IN CONJUNCTION WITH THEM.

Guernsey: WITH THAT, I THINK THE ITEMS --

Mayor Wynn: IF YOU COULD HELP ME IDENTIFY THEN THE RIVERSIDE DRIVE TRACTS.

Guernsey: ITEMS Z-3 AND 4 STAFF PULLED OFF AND -- THERE'S NO ACTION REQUIRED ON THOSE. BUT ITEMS Z-5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, ARE THOSE ITEMS THAT ARE DESCRIBED AS THE EAST RIVERSIDE/OLTORF NEIGHBORHOOD PLAN AREA.

Mayor Wynn: BUT I THINK THE COUNCILMEMBERS COMMENTS WERE MORE SPECIFICALLY ABOUT RIVERSIDE DRIVE ITSELF.

McCracken: MAYOR, I THINK THAT IT IS -- MY SPECIFIC CONCERN IS RIVERSIDE DRIVE. IF WE CAN MOVE JUST THE RIVERSIDE DRIVE ITEMS I THINK THAT'S FINE. I THINK AS A GENERAL POLICY GOING FORWARD, THOUGH, IT'S BETTER THAT WE RECEIVE THE NEIGHBORHOOD PLAN AND SPECIFIC ZONING ITEMS AT THE SAME TIME, MAKE SURE THAT WE ARE MEETING THE -- THE PUBLIC GOALS OF SAY ENVISION CENTRAL TEXAS AND OTHER PLANNING GOALS OF THE COMMUNITY.

WITH THAT SAID, THEN THAT LOOKS LIKE Z-8 IS ON EAST RIVERSIDE DRIVE, Z-9 IS ON EAST RIVERSIDE DRIVE, Z-10 ON EAST RIVERSIDE DRIVE, Z-11 IS ON EAST RIVERSIDE DRIVE. Z-16 IS ON EAST RIVERSIDE DRIVE.

Mayor Wynn: THE QUESTION MR. GUERNSEY IS WHAT WOULD BE YOUR PROFESSIONAL RECOMMENDATION IF -- AND I SHARE THE CONCERNS OF COUNCILMEMBER MCCRACKEN, WOULD IT MAKE SENSE FOR US TO CLOSE THE PUBLIC HEARING AND APPROVE ON FIRST READING ONLY ESSENTIALLY HALF OF THIS -- HALF OF THESE POSTED CASES, POSTPONING THE OTHER HALF FOR THE NEXT MEETING OR TWO. OR WOULD IT -- WOULD IT HELP STAFF, WOULD IT BE MORE CONSISTENT TO -- TO POSTPONE ALL OF THESE UNTIL THE NEXT MEETING.

Guernsey: YOU COULD GO FORWARD ON THOSE ITEMS THAT

WE OFFERED FOR CONSENT ON FIRST READING. WE COULD COME BACK IN TWO WEEKS AND ADDRESS THE CONCERNS OF COUNCILMEMBER MCCRACKEN AND THAT WAY IT WOULD STILL ALLOW THOSE PROPERTY OWNERS WHERE THERE'S CONSENSUS TO MOVE FORWARD ON THEIR CASES, I THINK THAT WOULD BE FINE, I DON'T SEE AN ISSUE WITH THAT.

Mayor Wynn: ALL RIGHT. OKAY THEN SO COUNCIL THE -- THE CONSENT AGENDA FOR THESE PUBLIC HEARINGS ZONING CASES WILL BE ... TO APPROVE ON ALL THREE READINGS, CLOSE THE PUBLIC HEARINGS, WHERE WE ARE TAKING ACTION, INCLUDING CLOSING THE PUBLIC HEARINGS, APPROVE ON ALL THREE READINGS, CASES Z-1 AND Z-2, NOTE THAT ITEM Z-3 AND Z-4 HAVE BEEN WITHDRAWN BY STAFF. TO AGAIN CLOSE THE PUBLIC HEARING AND PROVE FIRST READING ONLY -- APPROVE ON FIRST READING ONLY, Z-5, Z-6, Z-7, POSTPONE JANUARY 26th, 2006, CASE Z-8, 9, 10, 11, TO CLOSE THE PUBLIC HEARING AND APPROVE ON FIRST READING ONLY, CASES Z-12, Z-13, Z-14 Z-15. POSTPONE Z-16 TO JANUARY 26th, 2006. TO CLOSE THE PUBLIC HEARING AND APPROVE ON FIRST READING ONLY, CASES Z-17, Z-18. 7 TO APPROVE THE AMENDMENT NOTED AS CASE Z-19. CLOSE THE PUBLIC HEARING AND APPROVE ON ALL THIRD READINGS, CASE Z-[INDISCERNIBLE] POSTPONE Z-21, [INDISCERNIBLE] WITH A NOTE THAT THERE WILL BE NOTIFICATION. AND TO POSTPONE CASES Z-23 AND Z-24 TO FEBRUARY 2nd, 2006. I WILL ENTERTAIN A MOTION. MOTION MADE BY COUNCILMEMBER MCCRACKEN, SECONDED BY COUNCILMEMBER LEFFINGWELL TO APPROVE THE -- APPROVE THE CONSENT AGENDA AS READ. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 6-0 WITH THE MAYOR PRO TEM OFF THE DAIS. MAYOR AND COUNCIL THAT BRINGS US BACK TO CASE Z-22, C14-05150, FAIRFIELD AT WOODLAND PARK, A REZONING REQUEST LOCATED AT 3226 WEST SLAUGHTER LANE, KNOWN AS THE HARMON PROPERTY. FROM MULTI-FAMILY RESIDENCE MODERATE HIGH, MF 4 CO DISTRICT ZONING TO FAMILY RESIDENCE MODERATE HIGH CONDITIONAL OVERLAY COMBINE DISTRICT

ZONING IN ORDER TO CHANGE THE CONDITIONS OF ZONING. THE ZONING AND PLATTING COMMISSION DID RECOMMEND TO GRANT THE MULTI-FAMILY RESIDENCE MODERATE HIGH CONDITIONAL OVERLAY OR MF 4 CO ZONING. THE PROPERTY IS -- WAS ORIGINALLY APPROXIMATELY 30 ACRES AND AT THAT TIME HAD A VALID PETITION THAT WAS BROUGHT TO YOU THE FIRST TIME LAST YEAR. THE APPLICATION HAS BEEN AMENDED TO INCLUDE A SMALLER AREA OF ONLY ABOUT 7.25-ACRES OF LAND. WITHIN THIS AREA, WHAT IS PROPOSED IS TO MODIFY THE ORIGINAL ZONING THAT WAS APPROVED ON THE PROPERTY TO ALLOW AN INCREASE IN HEIGHT FROM 40 FEET TO 60 FEET. THERE WOULD BE ADDITIONAL CONDITIONS THAT WERE ATTACHED TO THE ORIGINAL ORDINANCE THAT THE PROPERTY OWNER HAS AGREED TO APPLY OR AGREED TO A RESTRICTIVE COVENANT TO LIMIT THE TRIPS TO THE SAME NUMBER OF TRIPS THAT APPLY TO THE PROPERTY ORIGINALLY. BUT SINCE THE PROPERTY BEING REZONED TODAY IS A SMALLER AREA, THEY HAVE AGREED TO DO A COVENANT THAT WOULD COVER THE ENTIRE PROPERTY THAT WOULD LIMIT THAT CHURCH TO 2,000 TRIPS. THEY HAVE ALSO AGREED TO REDUCE THE AMOUNT OF -- OF THE IMPERVIOUS COVER TO ONLY 15%. AND TO REDUCE THE DENSITY ON THE PROPERTY FROM WHAT ORIGINALLY WAS 12.4 UNITS PER ACRE TO 6.2 UNITS PER ACRE. THE -- THE ZONING AND PLATTING COMMISSION RECOMMENDED THE REZONING CHANGE ON A 6-2 VOTE. WE HAVE SEVERAL NEIGHBORHOODS THAT ARE STANDING IN OPPOSITION TO THIS REQUEST. CHERRY CREEK BRODIE LANE NEIGHBORHOOD ASSOCIATION, AUSTIN NEIGHBORHOODS COUNCIL, TANGLE WOOD OAKS NEIGHBORHOOD ASSOCIATION AND OAK HILL ASSOCIATE NEIGHBORHOOD ALL STAND OPPOSED. IN THEIR COMMENTS THAT THEY HAVE HAD BEFORE THE COMMISSION AND WITH STAFF AND THE APPLICANT THAT THEY OPPOSE THE ADDITIONAL HEIGHT. I THINK THEY WOULD WELCOME THE DECREASE IN DENSITY. BUT NOT THE INCREASE IN HEIGHT. STAFF DID RECOMMEND THE REZONING REQUEST BECAUSE WE THOUGHT IT WAS A BETTER REQUEST REDUCING THE POSSIBLE NUMBER OF UNITS. I WOULD ALLOW THE -- IT WOULD ALLOW THE CONSOLIDATION OF THE IMPERVIOUS COVER TO A SMALLER AREA. THE AREA THAT'S PROPOSED FOR REZONING IS

FURTHER REMOVED FROM THE EXISTING SINGLE FAMILY NEIGHBORHOOD TO THE NORTH. ORIGINALLY THERE WAS A BUFFER OF APPROXIMATELY 300 FEET. THE AREA THAT WOULD BE LIMITED FOR THE ADDITIONAL HEIGHT WOULD BE APPROXIMATELY 650 FEET SOUTH OF THE EXISTING SINGLE FAMILY HOMES TO THE NORTH. THE PROPERTY IS STILL SUBJECT TO COMPATIBILITY STANDARDS. AND I'M NOT AWARE AND CERTAINLY THE AGENT CAN COME FORWARD AND SPEAK TO IF ANY WAIVERS ARE GOING TO BE REQUESTED. BUT AT THIS TIME STAFF IS NOT AWARE OF ANY WAIVER REQUESTS FROM COMPATIBILITY STANDARDS. THE CLOSEST PROPERTY TO THE EAST THERE'S AN EXISTING SINGLE FAMILY HOME THAT WILL TRIGGER COMPATIBILITY IN THIS PROPERTY. MY CONVERSATIONS WITH THE APPLICANT'S AGENT HAVE INDICATED THAT THEY WOULD COMPLY WITH COMPATIBILITY WITHIN THAT ENVELOPE OF THE 7.25 ACRES OF LAND. IF YOU HAVE ANY QUESTIONS I WOULD BE MORE THAN HAPPY TO ANSWER THEM. THIS PROPERTY WOULD BE SUBJECT TO THE S.O.S. ORDINANCE. THEY ARE NOT ASKING FOR DEVIATIONS FROM THAT.

THANK YOU, MR. GUERNSEY, QUESTIONS OF STAFF, COUNCIL? COUNCILMEMBER LEFFINGWELL?

DID YOU SAY THERE WAS OR WAS NOT A VALID PETITION?

THERE WAS NOT A VALID PETITION TODAY. WHEN THE PROPERTY BOUNDARIES WERE REVISED TO BE A SMALLER AREA, UP FROM 30, DOWN TO 7.25 ACRES, THE VALID PETITION -- THERE WAS STILL A PETITION, BUT IT'S NOT A VALID PETITION THAT WOULD REQUIRE THREE QUARTERS OF A MAJORITY VOTE OF THE CITY COUNCIL. THIS IS ONLY READY FOR FIRST READING TODAY. SO WITH FOUR AFFIRMATIVE VOTES IT COULD BE APPROVED TODAY WITH FIRST READING ONLY.

OKAY. IS THIS PROPERTY IN THE RECHARGE ZONE?

Guernsey: IT IS IN THE RECHARGE AREA. THE PROPERTY IS LOCATED JUST NORTH OF SLAUGHTER AND EAST OF BRODIE LANE. THERE'S AN EXISTING SHOPPING CENTER IMMEDIATELY TO THE WEST OF THIS THAT -- THAT IS

DEVELOPED.

WITH THAT I NOTICE THAT YOU MADE MENTION OF THE FACT THAT THE IMPERVIOUS COVER WOULD BE RESTRICTED VOLUNTARILY TO 15%. WOULDN'T IT BE MANDATORY TO RESTRICT IT?

IT WOULD BE MANDATORY IN THE WATERSHED ORDINANCES. THE APPLICANT DID AGREE TO LIMITING IT TO 15%.

WELL, HE DOESN'T REALLY HAVE TO AGREE. IT'S PART OF THE ORDINANCE.

MANDATORY CORRECT.

Leffingwell: THANK YOU.

Mayor Wynn: THANK YOU, MR. GUERNSEY. SO WE WILL NOW CONDUCT OUR PUBLIC HEARING. IF YOU REMEMBER, WE WILL HAVE A FIVE MINUTE PRESENTATION BY THE APPLICANT AGENT, THEN WE WILL HEAR FROM FOLKS WHO SIGNED UP IN FAVOR OF THE ZONING CASE, THREE MINUTES APIECE THEN HEAR FROM FOLKS IN OPPOSITION AND THEN THE APPLICANT WILL HAVE A ONE-TIME THREE MINUTE REBUTTAL. SO --

THANK YOU.

MICHAEL WAYLON ON BEHALF OF THE APPLICANT HARMONS. WE WERE ASKED, WE KNEW IT WAS MANDATORY. IT WASN'T ANYTHING ADDITIONAL THAT WAS BEING ADDED. WE WILL BE TALKING ABOUT ADDITIONAL ITEMS IN A MOMENT. ORIGINALLY THAT WAS PART OF A LARGER TRACT, THE SANDALL TRACT. THE ADJOINING PROPERTY OWNER IS COMMERCIAL. WHATABURGER, RANDALLS, A DETENTION POND. IT IS NOT AN S.O.S. COMPLIANT TRACT NEXT TO US. ANOTHER TRACT IS SF 6 WITH A BIG FOR SALE SIGN, IT IS GRANDFATHERED, NOT S.O.S. COMPLIANT. THAT PERSON SIGNED THE PETITION AT THE TIME WE THOUGHT BECAUSE OF THE CONCERN ABOUT THE HEIGHT. WE DECIDED TO REDRAW THE BOUNDARY BECAUSE OF ADDING ANOTHER STORY, THERE BEING A FOUR STORY STRUCTURE INSTEAD

OF THREE STORY. THE CHERRY CREEK NEIGHBORHOOD ASSOCIATION IS -- IS ADJACENT TO US. I'M AT A POINT WHERE YOU CAN SEE WHERE THERE THEY ARE, THEY ARE THE LARGE GROUP OF HOUSES THAT ARE ALSO NOT S.O.S. COMPLIANT BUILT IF THE LATE 90s, I'M GOING TO POINT TO YOU WHERE THAT IS. THE CHERRY CREEK NEIGHBORHOOD ASSOCIATION I THINK WE WILL HEAR FROM ONE OR TWO PEOPLE. WE WILL HEAR 10 FEET OF DISTANCE FROM EACH OF THE HOUSES. CULL CUL DE SAC, AGAIN NOT S.O.S. COMPLIANT. CHERRY CREEK HAS DONE A VERY GOOD JOB OF DEVELOPING A BUFFER FOR THEIR COMMUNITY. THEY HAVE A BUFFER HERE ON THEIR TRAVIS COUNTY TRACT. THEY HAVE NOW A RESTRICTIVE COVENANT THAT WE PROVIDED IN 2002 FOR 300 FEET RIGHT HERE. THEY IN THE -- IN AGREEING WITH THE FOLKS THAT DEVELOPED THIS TRACT, I BELIEVE IT WAS ENDEAVOR, CREATED A NICE BUFFER ON THIS PORTION OF THEIR TRACT. SO THEY HAVE DONE A GOOD JOB FRANKLY OF CREATING A BUFFER FOR THEMSELVES AND WHAT WE ARE GOING TO -- TO DO IS -- IS BY HAVING THE -- THE MULTI-FAMILY COMPLEX IN THE CENTER OF THE TRACT, REALLY CONCENTRATE THE AREA THAT WOULD BE DISTURBED AND LEECH OVER 25 ACRES UNDISTURBED ON THE TRACT. IT WILL END UP BEING, AS YOU CAN SEE, A PARK-LIKE SETTING, WHICH I THINK IS A MUCH BETTER RESULT THAN THE SURROUNDING WELL CLEARLY THAN THE CHERRY CREEK NEIGHBORHOOD ASSOCIATION TRACT THAT IS NOT S.O.S. COMPLIANT. THIS WOULD BE THE FIRST S.O.S. COMPLIANT MULTI-FAMILY IN THE CITY OF AUSTIN. PAT MURPHY I THINK IS HERE, CAN CONFIRM THAT HE IS UNAWARE OF ANY OTHER S.O.S. COMPLIANT MULTI-FAMILY. I THINK THAT'S UNFORTUNATE, I THINK THE GOOD NEWS IS FAIRFIELD RESIDENTIAL IS WILLING TO STEP UP TO THE PLATE AND DO IT. IT IS NOT AS YOU MIGHT IMAGINE EASY TO DO. THEY ARE WILLING TO DO IT. IT WILL REQUIRE TWO FLOORS UNDERGROUND PARKING, AGAIN TO LIMIT THE AREA OF DISTURBANCE. BECAUSE THERE IS AN ELEVATION, AGAIN LOOKING AT THE MAP YOU WILL SEE -- THE ELEVATION FROM THE CHERRY CREEK NEIGHBORHOOD BACK TO SLAUGHTER, DROPS ABOUT 15 FEET SO -- SO THE GARAGE STRTS AT ONE STORY ABOVE, ENDS OF TWO STORIES BELOW. IT ACTUALLY ENDS UP BECAUSE OF THE ELEVATION, THE REQUEST ENDS UP TO BE

ABOUT A FIVE TO SEVEN FOOT INCREASE REALLY FROM THE NEIGHBORHOOD ASSOCIATION VIEWPOINT BECAUSE OF THE SLOPE THAT WE ARE TALKING ABOUT. IN 2002 THERE WAS NO SITE PLAN. THE -- SO WE DID NOT KNOW WHETHER WE COULD DO SOMETHING THAT WOULD BE AS GOOD AS THIS IS. THIS REALLY IS A GREAT DESIGN WITH THE TWO STORIES UNDERGROUND. HALF THE DENSITY THAT HAD ORIGINALLY BEEN SOUGHT WERE AT 186 UNITS AND AS WAS EXPLAINED WE WOULD AGREE TO MAKE SURE THAT'S LIMITED TO THAT FIGURE WITH A RESTRICTIVE COVENANT ON THE ENTIRE TRACT. IN TERMS OF ENVIRONMENTAL, THERE IS A -- THERE IS A -- THERE'S BEEN CONCERTED EFFORT WITH AUSTIN ENERGY THIS WEEK AS A RESULT OF SOME FEEDBACK. AND THEY BELIEVE THAT THEY WILL ACHIEVE A TWO-STAR RATING ON THEIR -- FROM AUSTIN ENERGY. ALSO, I WOULD POINT OUT THAT THE SHRUBS, IT ISN'T JUST SHRUBS THAT ARE BETWEEN CHERRY CREEK AND THE COMPLEX, IT IS -- THESE ARE LIVE OAKS THAT HAVE BEEN THERE FOR YEARS AND YEARS, I KNOW JOYCE AND JOHN HARMON ARE HERE TO TALK ABOUT AND DESCRIBE THE TYPE OF AREA THAT EXISTS BETWEEN THE NEIGHBORHOOD AND WHERE THIS WOULD BE. IT'S OVER TWO FOOTBALL FIELDS. IT IS TWICE THE COMPATIBILITY STANDARDS THAT IS REQUIRED. IT IS TWO FOOTBALL FIELD. FOR THE JUST A FOOTBALL FIELD THAT'S FLAT AS YOU CAN SEE. IT GOES AS I INDICATED SLOPES DOWNWARD TOWARDS SLAUGHTER AND IS FILLED WITH LIVE OAKS THAT ARE VERY, VERY TALL. WHY ARE WE REZONING? [BUZZER SOUNDING] WELL, BOTTOM LINE IS WE HOPE THAT YOU WILL CONSIDER THE REZONING AND APPROVE THE FIRST S.O.S. COMPLIANT TRACT IN THE CITY OF AUSTIN. THANKS.

Mayor Wynn: THANK YOU, MR. WHELEN. WE WILL NOW HEAR FROM FOLKS WHO FAVOR THE ZONING CASE, JOHN HARMON, WELCOME, PETER SISERO, ADOPTING HIS TIME TO YOU, YOU WILL HAVE UP TO SIX MINUTES IF YOU NEED IT WELCOME.

THANK YOU, MAYOR, COUNCILMEMBERS, MY WIFE JOYCE AND I HAVE LIVED ON THIS PROPERTY FOR 24 YEARS, IT'S A LONG TIME. IT'S A BEAUTIFUL PIECE OF PROPERTY, I HOPE SOME OF YOU HAVE HAD A CHANCE TO SEE IT. COVERED WITH LIVE OAKS AS -- AS MR. WHELEN DESCRIBED, IT SITS

NOW AS YOU SAW -- THE LAST PICTURE, AS YOU CAN SEE, AS THEY SAY THE NEIGHBORHOOD HAS CHANGED. THAT AREA WE LIVED IN THE COUNTRY WHEN WE MOVED THERE 24 YEARS AGO. THERE THE -- THE SUBDIVISION THERE TO -- THAT'S ACTUALLY TO THE NORTH OF US, THIS PICTURE IS TURNED AROUND. THANK YOU VERY MUCH. THIS IS -- THIS IS NORTH. THE WAY WE ARE SET UP GOING NORTH. ALL OF THIS WAS GREEN. WHEN WE GOT THERE. THIS WAS GREEN. EVERYTHING THAT YOU SEE HERE NOW WAS GREEN. THAT NEIGHBORHOOD HAS CHANGED. THAT AREA HAS CHANGED. WE MADE A DECISION TWO YEARS AGO TO MOVE BACK TO THE □□ COUNTRY. TO TRY TO SELL THIS PROPERTY. WE CAME TO THE CITY COUNCIL TO REZONE THIS PROPERTY. WE DID NOT HAVE A BUYER. WE DID NOT HAVE A SITE PLAN. WE DID NOT HAVE A PROJECT FOR THIS PROPERTY AT THIS TIME. WE KNEW THAT THE MARKET SEEMED TO BE THE PREVALENT MARKET IN AUSTIN, WAS FOR THREE STORY, PEAK ROOF, APARTMENTS. THAT'S WHAT WE SEE IN AUSTIN, IN THAT NEIGHBORHOOD THAT'S WHAT YOU SEE IN THAT NEIGHBORHOOD. WE CAME IN AND THAT'S WHAT WE SOUGHT ZONING FOR. AND THAT'S WHAT THE ZONING WE OBTAINED. WAS FOR A THREE-STORY APARTMENT. WE DID AGREE TO A BUFFER. A -- THAT MR. WHELEN DESCRIBED, A 300-FOOT BUFFER ON THE NORTH LINE, THE NORTH ZONE. THAT BUFFER IS GOING TO BE UNAFFECTED BY WHAT WE ARE SEEKING HERE. AS A MATTER OF FACT THAT 300 FEET, WE ARE GOING TO MOVE THE BUILDING BACK AND IT'S GOING TO BE MOVED OVER 600 FEET. FROM THE NORTH LINE. FAIRFIELD CAME TO US WITH A VERY IMAGINATIVE, CREATIVE DESIGN. TO MOVE ALL OF THE UNITS INSTEAD OF SCATTERING OVER THE PROPERTY. TO MOVE THEM INTO ONE SINGLE UNIT IN THE MIDDLE OF THE PROPERTY. TO GO UNDERGROUND WITH YOUR PARKING, TO TAKE FOUR STORIES UP WITH YOUR UNITS, REDUCE THE NUMBER OF UNITS, THAT WILL REDUCE THE DENSITY, ALMOST IN HALF FROM WHAT WAS THE ALLOWABLE DENSITY ON THIS PROPERTY. GO DOWN AND IN FACT BE ABLE TO MEET THE REQUIREMENTS THAT COUNCILMEMBER LEFFINGWELL HAS POINTED OUT, MUCH OUR IMPERVIOUS COVER THERE. YOU ARE GOING TO END UP WITH A PARK, PARK THAT'S LEFT THERE WITH ALMOST -- WELL NOT ALMOST, 27 ACRES OUT OF THE 30 ACRES THAT ARE LEFT IN A PARK-LIKE

SURROUNDING. WE BELIEVE THAT WE HAVE BEEN GOOD NEIGHBORS OVER THESE 24 YEARS. WE HAVE SURE TRIED TO BE. THE SUBDIVISION TO THE NORTH, THE CHERRY CREEK SUBDIGS WAS BUILT IN THE LATE -- LATE 90s. WE HAVE ALWAYS GOTTEN ALONG WITH OUR NEIGHBORS THERE. WE HAVE SIX NEIGHBORS. WHO HAVE PROPERTY ALONG OUR NORTH FENCE LINE. WE HAVE GOTTEN ALONG WITH THOSE NEIGHBORS. WHEN FAIRFIELD DEVELOPED THE DRAWINGS OF THIS PROJECT, WE ASKED FOR A MEETING AND INVITED THE BOARD OF THE CHERRY CREEK NEIGHBORHOOD ASSOCIATION TO COME TO OUR HOUSE, FAIRFIELD CAME, THEY -- WE SHOWED THE DRAWINGS, WE PRESENTED THE DRAWINGS, FAIRFIELD, THE PEOPLE FROM FAIRFIELD MADE EVERY EFFORT TO ANSWER ALL OF THE QUESTIONS. WE HAD A SECOND MEETING AT THE MANCHACA PUBLIC LIBRARY WITH -- WITH MEMBERS OF THE -- OF THE CHERRY CREEK NEIGHBORHOOD ASSOCIATION'S BOARD. AT THAT TIME MR. LARKIN EXPLAINED TO THE MEMBERS OF THE BOARD THAT EVERY HOME OWNER HAS THE RIGHT TO COME BACK TO THE CITY COUNCIL AT ANY TIME AND SEEK A CHANGE IN THE ZONING ON HIS PROPERTY. HE EXPLAINED THAT. THAT'S WHAT WE ARE DOING. WE ARE EXERCISING THAT RIGHT. I UNDERSTAND THAT THERE'S AN ARGUMENT BEING MADE THAT SOMEHOW WE WAIVED THAT RIGHT. AND -- TWO YEARS AGO WHEN WE CAME AND SOUGHT THE INITIAL ZONING HERE. WE DIDN'T WAIVE THE RIGHT. WE NEVER WOULD HAVE WAIVED THAT RIGHT. WE DIDN'T HAVE A PLAN. WE DIDN'T HAVE A BUYER. NOW WE HAVE A PLAN. WE HAVE A BUYER. THAT'S THE REASON WE ARE HERE. WE COOPERATED, ONE OF THE MEMBERS OF THE BOARD WANTED TO DO A BALLOON TEST. THEY WANTED TO SEE WHETHER YOU COULD SEE THE 60 FEET. WE COOPERATED WITH THE BALLOON TEST. MEANING THAT THE MEMBER OF THE BOARD CAME TO OUR HOUSE, WENT TO THE POINT ON THE MAP THERE WHERE THE BUILDING WOULD BE, RAN UP A -- RAN UP FOUR BALLOONS, HELIUM BALLOONS ON A 60 FEET STRING, WENT BACK UP, THEY WERE HAVING A BOARD MEETING THAT DAY, WENT -- THAT EVENING, THAT AFTERNOON, WENT BACK UP, TO THE -- TO THEIR HOUSE, WE WENT WITH THEM, LOOKED, YOU CAN'T SEE IT. YOU COULDN'T SEE THE BALLOONS, YOU CAN'T SEE THE 60 FEET THAT -- ELEVATION THERE. IN THIS AREA, YOU

HAVE GOT BANNOCKBURN CHURCH, YOU HAVE BETHANY LUTHERAN CHURCH. YOU HAVE BOWIE HIGH SCHOOL. YOU HAVE HIGH TENSION LINES DOWN SLAUGHTER LANE AND DOWN BRODIE LANE. YOU HAVE -- YOU HAVE LIVE OAK TREES ON MY PROPERTY ALL OVER 60 FEET. THE -- I HEAR THAT BUZZER, I GUESS THAT'S MY BUZZER. WE ARE PROUD OF THIS PLAN. WE ARE PROUD THAT FAIRFIELD IS ABLE TO BRING A PLAN THAT COM COMPLIES WITH S.O.S. THANK YOU.

Mayor Wynn: THANK YOU, MR. HAR HARMON. NEXT SPEAKER IS JOYCE HARMON. WELCOME, JOYCE, YOU WILL HAVE THREE MINUTES, FOLLOWED BY ROSS THOMPSON.

GOOD EVENING, MAYOR AND COUNCILMEMBERS, MY NAME IS JOYCE HARMON, I AM THE CO-OWNER OF 3226 WEST SLAUGHTER LANE. 24 YEARS AGO JOHN AND I BOUGHT A QUIET COUNTRY PROPERTY ON A TWO LANE ROAD. WE SURROUNDED IT WITH FENCING AND ADDED A GREAT. I PLANTED TREES AND GREW MANY GARDENS, JOHN ADDED HORSES AND DOGS. OUR TWO CHILDREN COMMUTED TO AUSTIN HIGH, WENT TO COLLEGE, MARRIED AND MOVED AWAY. BUILDERS CALLED BUT WE ALWAYS REFUSED. THE NEIGHBORHOOD GREW. SLAUGHTER LANE BECAME FOUR LANES WITH MEDIANS. OUR NEIGHBORHOOD PASTOR IS NOW A RANDALL'S -- PASTURE IS NOW A RANDALL'S SHOPPING CENTER, TACO BELL, KFC, WHATABURGER AND A DETENTION POND ADJOIN US. HOMES ACROSS THE STREET BECAME BUSINESSES, TO OUR LEFT IS A DENTAL OFFICE, A RETIREMENT CENTER AND A CAR WASH. BEHIND US WE HAVE A MAJOR SUBDIVISION THAT WAS BUILT IN THE LATE 90s. LAST SPRING, FAIRFIELD PROPERTIES CAME TO US PROPOSING A SINGLE BEAUTIFUL BUILDING SURROUNDED BY 27 ACRES OF OUR TREES. AT LAST SOMEONE UNDERSTOOD OUR VISION FOR THIS LAND. WE BOUGHT THIS PROPERTY FOR ITS BEAUTY. WE HAVE CONTINUED TO LIVE THERE FOR 24 YEARS BECAUSE OF THAT BEAUTY. FOR A QUARTER OF A CENTURY, JOHN AND I HAVE BEEN CARING STEWARDS OF OUR 30 ACRES. FAIRFIELD WILL CONTINUE THE STEWARDSHIP OF A VERY UNIQUE AND WELL LOVED PROPERTY. THANK YOU.

Mayor Wynn: THANK YOU. THAT'S ALL THE FOLKS IN FAVOR OF THE ZONING CASE, WE WILL NOW HEAR FROM FOLKS

WHO ARE IN OPPOSITION, WE WILL START WITH ROSS THOMPSON, WELCOME, MR. THOMPSON, YOU WILL HAVE THREE MINUTES, FOLLOWED BY JOHN LARKIN.

AM I IN THE RIGHT SPOT.

THAT'S GOOD.

I'M ROSS THOMPSON, I'M AN ATTORNEY PRACTICING HERE IN AUSTIN, I'M HERE TODAY ON BEHALF OF ORANGE SHADE -- WARREN SHADE, SENIOR HIS WIFE RUBY AND THEIR SON WARREN SHADE THE III. COLLECTIVE THEY ARE THE PROPERTY OWNERS IMMEDIATELY EAST OF THE HARMON TRACT. THERE IS A SINGLE FAMILY DWELLING ON THAT PROPERTY. THE BALANCE OF IT IS RELATIVELY UNDEVELOPED. THEIR PROPERTY IS ZONED SF 6. WHICH AS I UNDERSTAND IT ALLOWS THEM A HEIGHT OF 35 FEET. THE SHADES DID JOIN IN THE PETITION OPPOSING THIS BECAUSE OF HEIGHT. CONTRARY TO WHAT MR. WHELEN SAID EARLIER. THEY WOULD AGREE TO THE MAXIMUM HEIGHT PROPOSED ON THE HARMON TRACT. GOING ANOTHER 15 FEET WAS SOMETHING THAT THEY COULD NOT AGREE TO. PARTICULARLY WHEN THEIR -- WHATEVER THEY CAN BE BUILD IS GOING TO BE LIMITED TO 35 FEET, THEY DIDN'T WANT TO SEE A 60-FOOT TOWER, BUILDING TOWERING OVER THEM. ONE OTHER CONCERN THAT THE SHADES HAVE IS MORE OF A PROCEDURAL CONCERN. WITH RESPECT TO DUE PROCESS RIGHTS THAT MAYBE THE PROCESS OF BEING VIOLATED HERE WITHOUT ANYONE REALLY REALIZING IT. WHEN THEY ORIGINALLY MADE THEIR ZONING CHANGE LAST, THEY PROPOSED THE ENTIRE HARMON TRACT BE REZONED. THIS GO ROUND, HOWEVER, THEY BROUGHT THE BORDERS INWARD BY 200 FEET. WHICH BASICALLY THEN MAKES VERY FEW PEOPLE AVAILABLE TO JOIN IN A VALID PETITION. LASTING ROUND I BELIEVE THE PETITION WAS CERTIFIED WITH SOME 38% PARTICIPATION OPPOSING IT. NOW THAT PETITION IS INVALID BECAUSE THEY HAVE DRAWN THE BORDERS IN. WE ARE NOT AWARE OF ANY PRACTICAL REASON WHY THEY BROUGHT THE BORDERS IN. THIS TIME. EXCEPT TO KEEP THE ADJOINING LANDOWNERS FROM HAVING SOME SENSE OF DUE PROCESS IN THIS. THE ONLY THING THE ORDINANCE HAS ALLOWED THEM TO DO IS TO SPEAK. IF THEY -- IF THEY CAN MUSTER THE 20%, THEY

COULD KICK YOUR VOTE UP TO A SUPER MAJORITY, WE THINK THAT'S BEING TAKEN AWAY FROM US. WE DON'T THINK THAT'S RIGHT. AND -- AND UNLESS WE CAN HEAR SOME SORT OF PRACTICAL REASON WHY THOSE BORDERS HAVE BEEN DRAWN IN, IT APPEARS THE ONLY REASON THEY WERE BROUGHT IN WAS TO DENY THE ADJOINING LANDOWNERS OF DUE PROCESS, THANK YOU.

Mayor Wynn: THANK YOU, MR. THOMPSON, EXCUSE ME. JOHN LARKIN, WELCOME, YOU WILL HAVE THREE MINUTES, FOLLOWED BY LAURA MORRISON.

OTHER SIDE.

ARE WE READY TO GO HERE? GOOD EVENING, MAYOR, I GUESS MAYOR PRO TEM IS NOT ON THE DAIS TONIGHT, CITY STAFF AND COUNCILMEMBERS. MY NAME IS JOHN LARKIN, I'M THE VICE-PRESIDENT OF THE CHERRY CREEK ON BRODIE LANE NEIGHBORHOOD ASSOCIATION, ALSO THE DEVELOPMENT COMMITTEE CHAIR. MY FIRST EXPERIENCE WITH THE ZONING WAS ON THIS PARTICULAR CASE IN 2002. AND I GUESS WE HAVE COME A LONG WAY IN OUR UNDERSTANDING OF WHAT THE PROCESS IS. BUT WHAT I WANTED TO DO HERE IS REVIEW THE APPLICANT'S OFFERS AND ASSERTIONS, THEY HAVE MADE QUITE A FEW OFFERS AND QUITE A FEW ASSERTIONS. THE FIRST ONE IS THAT THE HARMONS WILL RESIDE A PUBLIC COVENANT THAT WILL PROPOSE A REDUCTION OF IMPERVIOUS COVER FROM 65 TO 15 PERCENT, THE SECOND IS IT WILL ALSO PROVIDE A DENSITY REDUCTION OF 50% FROM 12.4 TO 6.2 PER ACRE ... REDUCE IMPERVIOUS COVER BY 50%, THE APPLICATION WILL RESULT IN A CLUSTERED DEVELOPMENT IN THE FIRST MULTI-FAMILY S.O.S. ZONING IN AUSTIN. SO LET'S GO AHEAD AND GIVE IT A TRUTH TEST. SO ON ITEM 1, HUM, LET'S SEE, 65% TO 15% I THINK COUNCILMEMBER LEFFINGWELL HAS ALREADY POINTED OUT THAT THE PROPERTY IS ALREADY RESTRICTED TO 15%. AS OF THE BARTON SPRINGS S.O.S. PASSING, BUT AT LEAST IF NOT THAT AS OF THE NOVEMBER 2002 ZONING OF THE PROPERTY. SO THE PROPERTY IS IN THE BARTON SPRINGS ZONE, IT'S LIMITED TO 10.85% IMPERVIOUS COVER. IF YOU ARE SIGN A PUBLIC COUGH NAPT WITH THEM, GIVING THEM 15%, YOU JUST GRANTED THEM AN ENTITLEMENT OF 4.51%, I DON'T THINK THAT IT'S

VERY WISE. I THINK IT'S A LOOPHOLE THAT MR. WHELEN MIGHT EXPLOIT AT A LATER DATE. IF THEY WERE GOING TO DO IT, THE SITE PLAN THAT YOU HAVE ON STAFF WOULD SHOW 1.6 ACRES OF IMPERVIOUS COVER. I BELIEVE IT'S AROUND 2.5 ACRES WITH NO GUARANTEES THAT THEY WON'T BUILD OUT THE COMPLETE 3.15 OR 3.19-ACRES OF IMPERVIOUS COVER. LET'S SEE THE PUBLIC COVENANT WILL ALSO PROVIDE A DENSITY REDUCTION OF 50%. WELL, I ASKED CITY STAFF TO DO A CALCULATION OF WHAT NUMBER OF UNITS THEY WOULD BE ALLOWED UNDER THE EXISTING AGREEMENT. IT'S 199 UNITS USING THE STANDARD MULTI-FAMILY DWELLING SIZE. THEY ARE PROPOSING 186. THAT'S A REDUCTION OF 6.5%, THAT'S SETTING ASIDE THAT THEY ARE DOING A LARGER, LUXURY UNIT THAT THEY ARE TARGETING AT A 300,000 PER UNIT PRICE POINT. I WOULDN'T GUESS THAT YOU WOULD CALL THAT AFFORDABLE HOUSING. THE PLANNED BUILDOUT, THE NEXT POINT. WILL REDUCE IMPERVIOUS COVER BY 50%. WELL, I THINK THAT WE HAVE ALREADY DISPROVE VERY MUCH THAT WITH OUR PREVIOUS COMMENTS. LASTLY [BUZZER SOUNDING] THIS IS THE FIRST S.O.S. COMPLIANT ZONING IN AUSTIN. IT'S NOT. AS OF 2002, IT WAS ALREADY A MULTI-FAMILY S.O.S. COMPLIANT ZONING. IF YOU LOOK IN YOUR BACKUPS FURTHER, YOU WILL SEE WHERE WE ACTUALLY RECOMMEND DOWN ZONING THIS PROPERTY. IT'S -- THE AREA IS ALREADY BUILT OUT WAY BEYOND TRAFFIC CAPACITY. WE WOULD APPRECIATE YOUR CONSIDERATION, THANK YOU.

THANK YOU, MR. LARKIN. LAST SPEAKER IS LAURA MORRISON. WELCOME, LAURA, THREE MINUTES. I THINK PHIL BROWN. I'M LAURA MORRISON, THE PRESIDENT OF THE AUSTIN NEIGHBORHOODS COUNCIL. IN NOVEMBER THE AUSTIN NEIGHBORHOODS GENERAL MEMBERSHIP PASSED A RESOLUTION OPPOSING THE ZONING CHANGE. I'M GOING TO READ JUST A COUPLE OF POINTS FROM IT BESIDES ALL OF THE DETAILED ISSUES THAT WERE ADDRESSED. I WANTED TO -- TO HIGHLIGHT THAT IT SAYS WHEREAS THE REQUESTED ZONING BREAKS THE 2002 COMPROMISE AGREEMENT TAKEN IN GOOD FAITH AND EMBODIED IN THE PROPERTY'S CURRENT ZONING AND WHEREAS COMPROMISE AGREEMENTS REACHED BETWEEN DEVELOPERS AND NEIGHBORHOOD ASSOCIATIONS ARE

MEANINGLESS IF THEY ARE TO BE BROKEN BY THE DEVELOPERS SUPPORTED BY STAFF, APPROVED BY COUNCIL. NOW THEREFORE ANC IS OPPOSED TO THIS ZONING CHANGE. NEGOTIATION IS AN INTEGRAL PART, A PART THAT'S CONSISTENTLY SUPPORTED BY COUNCIL. SO THE QUESTION FROM OUR PERSPECTIVE FROM THE ANC IS WILL THE CITY BE HONORING NEGOTIATED AGREEMENTS. IT'S OF CONCERN AND SIGNIFICANCE TO NEIGHBORHOODS ALL OVER THE CITY. FOR EXAMPLE, I HAVE TO SAY THAT I JUST THIS AFTERNOON HAD COFFEE WITH A NEIGHBOR THAT HAS BEEN -- HAD BEEN A MEMBER OF CAN PACK FOR THE THREE YEARS SITTING AT THE TABLE NEGOTIATING THE UNO PLAN WHICH EVERYBODY WAS PLEASED WITH. SHE HAD JUST HEARD IN THE LAST WEEK THAT THERE WAS GOING TO BE A SUGGESTED CHANGE TO PART OF IT TO ADD 50 FEET TO ONE AREA. SHE EXPRESSED AN EXTREME AMOUNT OF FRUSTRATION, NOT SURPRISINGLY, THAT THEY SHOULD HAVE PUT SO MUCH EFFORT TO IT, ONE PART OF IT CAN BE PICKED APART BECAUSE THE -- SO THE FUNDAMENTAL ISSUE AT STAKE HERE IS CAN NEIGHBORS GO INTO THESE NEGOTIATION AGREEMENTS AND BELIEVE THAT THEY ARE GOING TO BE HONORED OTHERWISE THERE'S REALLY -- IT'S REALLY GOING TO UNDERMINE THE WHOLE PROCESS. SO JUST TO CONCLUDE, I JUST WANT TO SAY THE CHANGING WHAT WAS CAREFULLY CRAFTED AGREEMENT WITHOUT BUY IN FROM ALL PARTIES IS JUST NOT AN EFFECTIVE WAY TO RUN THE CITY. I URGE YOUR DENIAL. THANK YOU.

Mayor Wynn: THANK YOU. YOU ARE CORRECT, MR. PHIL BROWN SIGNED UP RECENTLY, SO PHIL, WELCOME. YOU WILL HAVE THREE MINUTES.

GOOD THING THAT I WORK CLOSE TO THE CITY HALL. MY NAME IS PHIL BROWN. I'M THE PRESIDENT OF CHERRY CREEK ON BRODIE. I HAD A LONG PREPARED SPEECH, BUT I THINK THAT I'M JUST GOING TO RESPOND TO A FEW POINTS HERE. WE ARE NOT ASKING ANYONE TO WAIVE ANY RIGHT. WE DON'T WANT TO WAIVE OUR RIGHTS FOR THE PROCESS. WE KIND OF FEEL STEPPED ON A LITTLE BECAUSE OF THE VALID PETITION ISSUE. CERTAINLY WE ARE NOT ASKING THE HARMONS TO WAIVE THEIR RIGHT TO ANYTHING. WHAT WE ARE TRYING TO DO IS SEE WHEN IS A DEAL A DEAL, WHEN

CAN WE MOVE ON WITH LIFE. WE ARE UP AGAINST EVERY DAY WHEN WE DEAL WITH -- COUNCIL KNOWS THAT WE HAVE BEEN BEFORE YOU GUYS WITH MANY DIFFERENT PROJECTS AND DEVELOPERS AND, YOU KNOW, WE -- WE HAVE LIVES TO LIVE, WE TRY TO WORK HARD TO REACH AGREEMENTS AND THEN MOVE ON, SO IT'S OF CONCERN TO US, WHEN IS IT FINISHED, HOW FAR DO WE HAVE TO GO TO KEEP HAVING TO BEND? IT'S NOT AN ISSUE OF WHAT WE SEE FROM THE NEIGHBORHOOD. I THINK THAT MANY OF THE COUNCILMEMBERS WHO KNOW US AND FORMER COUNCILMEMBERS AS WELL, REALIZE THAT WE HAVE WORKED HARD WITHIN THE CONTEXT OF ALL OF SOUTHWEST AUSTIN. WE DON'T MAKE DECISIONS UNILATERALLY MOST OF THE TIME. WHEN IT'S A DEVELOPMENT ISSUE, WE RUN IT BY ANC. WE RUN IT BY OHAN, BY TANGLEWOOD FOREST, OAKS, PALOMINO PARK, WE HAVE RESOLUTIONS IN SUPPORT OF OUR POSITION ON THIS PARTICULAR CASE FROM ALL OF THOSE FOLKS. THIS ISN'T DONE LIGHTLY. THEY ARE NOT GOING TO USE UP THEIR POLITICAL CAPITAL LIGHTLY TO JUST BLINDLY SUPPORT US IN SOMETHING. THIS IS ACTUALLY A PRETTY WELL THOUGHT OUT POSITION. WE ARE -- THE THING KEEPS GETTING HOW FAR IS IT FROM OUR HOMES, CAN YOU SEE THE BALLOONS FROM THE TREES. ACTUALLY THE BALLOONS KIND OF GOT STUCK IN THE TREES ANYWAY. I'M NOT HERE TO TALK ABOUT BALLOONS. I'M HERE TO TALK ABOUT WE DON'T FEEL LIKE A 60-FOOT TOWER IS APPROPRIATE TO OUR AREA. IT IS OUT OF CHARACTER. WE APPRECIATE THE HARMONS STEWARDSHIP OF THAT LAND. IT IS BEAUTIFUL LAND. WE LIKE THE FOOTPRINT, WE LIKE THE ENVIRONMENTAL FEATURES AND EVERYTHING LIKE THAT. WE JUST DON'T THINK THAT GOING UP THAT TALL IS SOMETHING THAT WE OUGHT TO DO. THEY HAVE TOLD US, THE DEVELOPER TOLD US ON TWO OCCASIONS THEY CAN BUILD THIS PROJECT VIABLELY WITHOUT THE EXTRA HEIGHT. AND SO YOU KNOW UNLESS SOMETHING HAS SIGNIFICANTLY CHANGED IN THE ECONOMY IN THE LAST FEW MONTHS, I ASSUME THAT IS STILL THE CASE. SO THE -- I THINK THE COUNCIL ALSO KNOWS THAT WE ARE NOT NIMBY PEOPLE. NOT IN MY BACK YARD. WE HAVE WORKED HARD WITH ENDEAVOR, WITH THE WALTERS SOUTHWEST, WE'VE HAD ROUGH SPOTS ALONG THE WAY, WE ARE GETTING

ALONG GREAT WITH THOSE FOLKS NOW. THEY ARE BUILDING STUFF RIGHT ON OUR DOORSTEP AS WELL. I'M IN CONTACT WITH ANDY FROM ENDEAVOR ALL THE TIME ABOUT ISSUES. WE GET ALONG GREAT. SO, YOU KNOW, WE ARE NOT ANTI-DEVELOPMENT. WE ARE NOT A BUNCH OF STICKS IN THE MUD OR, YOU KNOW, HARD HEARTED PEOPLE HERE. I THINK THE NEXUS OF OUR CONCERN IS THAT THIS ISN'T AN APPROPRIATE HEIGHT FOR THIS KIND OF DEVELOPMENT IN OUR NEIGHBORHOOD. I WOULD ALSO POINT THAT IT'S THE ONLY MF 4 FOR A LONG WAY AROUND. [BUZZER SOUNDING] APPRECIATE YOUR CONSIDERATION. AND REALLY HOPE THAT YOU CAN LOOK AT ALL OF THE FACTS AND COME TO A GREAT DECISION ON THIS. THANK YOU VERY MUCH.

Mayor Wynn: THANK YOU, MR. BROWN. COUNCIL THAT CONCLUDES ALL OF THE FOLKS WHO ARE IN OPPOSITION TO THE ZONING CASE. MR. WHELEN HAS A THREE MINUTE REBUTTAL.

I THINK THAT I CAN DO THIS IN 60 SECOND. WE HEARD FROM AN ATTORNEY WHO REPRESENTS A NEIGHBORHOOD. THIS IS WHAT THE NEIGHBORHOOD IS ADVERTISING, I THINK IT REFLECTS WHAT HAS HAPPENED IN THE AREA WHEN SOMEBODY HAS 1704 EXEMPT RIGHTS THEY TRY TO UTILIZE THEM AND MAXIMIZE THEIR TRACT. YOU CAN SEE IT'S A VERY NICE TRACT WITH LOTS OF OAK TREES JUST LIKE THE HARMONS, VERY DENSE, BUT IT'S NOT GOING TO LOOK THAT WAY BECAUSE THEY WILL NOT AND THEY ARE ADVERTISING THAT THEY WILL NOT COMPLY WITH S.O.S. THIS IS THE PERSON THAT IS TRYING TO MAKE IT AVAILABLE TO FAIRFIELD, WHO SIGNED THE PETITION, WE HAD TO REDRAW OUR BOUNDARIES FROM. I THINK A PICTURE IS A THOUSAND WORD. I WANTED TO SHARE THAT WITH YOU. WE -- WE HAVE ALWAYS BEEN COMMITTED TO DOING S.O.S., I DON'T KNOW WHERE HE GOTTEN%. WE HAVE OUR ENGINEER HERE WHO THINKS HE MIGHT HAVE DONE 10% OF NET SITE AREA AND APPLIED IT TO GROSS SITE AREA. BUT IT'S ALWAYS BEEN THAT WE WOULD COMPLY WITH S.O.S. THAT'S ALWAYS BEEN FAIRFIELD'S RESIDENTIAL INTENT. THAT'S IT, THANK YOU.

Mayor Wynn: COUNCILMEMBER MCCRACKEN?

McCracken: I HAD A QUICK --

Mayor Wynn: MR. WHELEN, A QUESTION. WHO THE PROPERTY--

THE 1704 EXEMPT PROPERTY IS MR. SHADES WHO IS REPRESENTED BY MR. THOMPSON. WHO LIVES RIGHT ALONG THIS BOUNDARY. SO BY SIGNING THE PETITION ORIGINALLY, HE ATE UP A WHOLE BOUNDARY. THERE WAS NO WAY BUT TO BACK OFF FROM THAT IF THE CONCERN WAS HEIGHT, WE DIDN'T KNOW WHAT THE CONCERN WAS, WE MOVED AWAY. WE DID KNOW THAT HE WAS ACTIVELY MARKETING IT TO FAIRFIELD AND OTHERS AND PROMOTING THE FACT THAT HE WAS ABLE TO SIDESTEP S.O.S.

McCracken: THAT WAS SOME FOLKS WHO HAD THE REPRESENTATIVE HERE THE ONES ADVERTISING THAT THEY ARE 1704 EXEMPT.

YES, SIR.

McCracken: THAT'S PRETTY UNIMPRESSIVE.

Mayor Wynn: COUNCILMEMBER LEFFINGWELL?

Leffingwell: I HAD A QUESTION FOR MR. WHELEN. NOT SO FAST. UNDER THE -- UNDER THE CURRENT AGREEMENT, YOU COULD BUILD APARTMENTS OR CONDOMINIUMS HERE, COULD THEY BE SEVERAL DIFFERENT BUILDINGS? COULD THEY BE SPREAD OUT OVER THIS SITE?

YES, YES.

Leffingwell: THIS PLAN YOU ARE SOME -- THERE COULD BE SOME RESTRICTION IMPOSED THAT YOU ARE GOING TO BUILD EVERYTHING IN THIS ONE SINGLE BUILDING.

YES.

CLUSTERED DEVELOPMENT, IS THAT CORRECT.

TWO THINGS HAPPENED. ONE BY RESTRICTING THE AREA THAT WE ARE GOING TO ZONE, WE HAVE NOW COMPACTED

EVEN BY ZONING, WHERE WE COULD PUT IT. BUT SECOND WE HAVE FILED A SITE PLAN THAT REFLECTS THIS PLAN. WE HAVE A SITE PLAN, OUR ENGINEER HERE, WHERE THIS BUILDING WILL BE, HOW IT WILL BE CONCENTRATED. YOU HAVE NO -- NO SURFACE PARKING, IS THAT CORRECT.

I'M PRETTY SURE, OTHER THAN DRIVEWAY, NO SURFACE PARKING? ONE OR TWO VISITOR PARKING PLACES THERE, MR. LEE? IS THERE ANY SURFACE PARKING AT ALL, ONE OR TWO VISITOR. LESS THAN 10 SURFACE PARKING SPACES FOR VISITORS I BELIEVE.

Leffingwell: OKAY. I UNDERSTAND. THAT YOU ARE SETBACK FROM THE ADJACENT SINGLE FAMILY -- IS -- IS NOW OVER 600 FEET INSTEAD OF 300 FEET. 300 FEET WAS A CONDITION OF YOUR ORIGINAL ZONING NOW?

IT'S ACTUALLY --

THE PLAN WOULD -- SITE PLAN WOULD MAKE IT OVER 600 FEET. AND -- AND YOU COULD-- YOU HAVE AGREED TO BUILDING A ACHIEVE A TWO STAR RESIDENTIAL RATING.

YES, SIR. -- THANK YOU.

Alvarez: A COUPLE OF QUESTIONS FOR STAFF. I WAS WONDERING, THE CONDITIONS IMPOSED IN 2002 IS THE ONLY CONDITION THAT'S NOT BEING MET IS HEIGHT? I KNOW THERE WAS A DENSITY LIMITATION, THEN THE 300-FOOT BUFFER LIMITATION WHICH -- WHICH APPARENTLY THEY ARE COMPLYING WITH. BUT ARE THE OTHER TWO CONDITIONS BEING -- WHICH ONES ARE WE I GUESS EXEMPTING OR WAIVING THROUGH THIS ACTION?

WHAT -- IF YOU WERE TO PROVE THE REZONING -- APPROVE THE REZONING REQUEST AND ACCEPTING THE OFFERS TO RESTRICT THE TRIPS, TO RESTRICT THE DENSITY, IMPERVIOUS COVER, THE ONLY THING THAT WOULD BE I GUESS INCREASING IN INTENSITY IS THE HEIGHT WITHIN THAT 7.25 ENVELOPE, 7.25-ACRE ENVELOPE. THE HEIGHT WOULD STILL BE BEYOND THAT. WOULD STILL BE ALLOWED, I THINK IT'S UP TO 45 FEET. BUT THE HEIGHT WITHIN THAT COULD DEVELOP TO 60 FEET. BUT THEY WOULD MEET THE

DENSITY AND THE TRIPS PER DAY.

RIGHT.

THE DENSITY LIMITATION, THE TRIPS PER DAY THE OWNER OFFERED A PUBLIC COVENANT THAT WOULD BE DRAFTED BEFORE SECOND AND THIRD READING THAT WOULD LIMIT THE SAME TRIP LIMITATIONS AS ORIGINALLY APPROVED BACK IN 2002. BUT REDUCE THE OVERALL DENSITY ALLOWED DOWN TO 6 POINT SOMETHING ACRES INSTEAD OF 12 POINT SOMETHING.

REGARDING THE IMPERVIOUS COVER. I THINK IT'S BEEN EXPLAINED THAT THIS TRACT IS SUBJECT TO S.O.S., SO THE IMPERVIOUS COVER WOULD BE 15%.

YES. THE S.O.S. IMPERVIOUS COVER WOULD BE THE SAME. THE ZONING WOULD MATCH THE -- THE WATERSHED, THE WATERSHED REGULATIONS MAY ACTUALLY BE MORE RESTRICTIVE AS -- AS I MENTIONED IN THE NET SITE AREA, MAY BE REDUCED SO THAT A -- IMPERVIOUS COVER MAY ACTUALLY BE LESS THAN THAT AMOUNT. BUT THE ZONING IMPERVIOUS COVER WOULD BE REDUCED FROM 65 TO 15.

Gurnsey: THAT WOULD HAVE TO COMPLY WITH --

Alvarez: THAT WOULD HAVE TO COMPLY WITH S.O.S. SO THAT'S NOT ANY GIVE PER SE. BUT I GUESS WHAT I WAS WONDERING IS -- YOU KNOW THEY HAVE THEIR DEVELOPMENT PARAMETERS NOW THAT -- THAT THEY ARE ENTITLED TO -- TO AND THEN OBVIOUSLY THIS WOULD ENTITLE THEM TO MORE. BUT UNDER WHAT THEY HAVE SUBMITTED TO THE CITY, ARE THEY DEVELOPING THE FULL 15% IMPERVIOUS COVER THEY ARE ALLOWED OR -- AS THEY ARE CLAIMING ARE THEY DEVELOPING LESS THAN THAT 15% BECAUSE OBVIOUSLY THEY ARE EITHER -- UNDER EITHER SCENARIO, THE CURRENT SCENARIO OR THIS NEW SCENARIO, WITH THE ADDITIONAL ENTITLEMENTS, THEY COULD DEVELOP TO 15%, BUT ARE THEY DEVELOPING TO 15% IN TERMS OF THE DEVELOPMENT PROPOSAL THAT'S ON THE TABLE?

Guernsey: I MIGHT LET THEIR ENGINEER ACTUALLY ADDRESS

THAT. WHAT I CAN TELL YOU, THE -- THE REQUEST THAT'S BEFORE YOU WOULD NOT NECESSARILY PROHIBIT DEVELOPMENT OUTSIDE OF THIS ENVELOPE, THEY COULD STILL DEVELOP BUILDINGS BEYOND THAT ENVELOPE. BUT THE APPLICANT THEY HAVE INDICATES A SINGLE BUILDING WITH PARKING MAINLY BELOW THE BUILDING, BUT BY APPROVING THIS ZONING TODAY, AS -- AS PROPOSED IT WOULD NOT NECESSARILY PROHIBIT THEM FROM A DIFFERENT APPLICATION THAT MIGHT ACTUALLY ALLOW ZONING OR BUILDINGS TO GO BEYOND THAT ENVELOPE. I COULD NOT GUARANTEE THAT.

Alvarez: SO THAT WOULD BE A QUESTION OF THE APPLICANT. [ONE MOMENT PLEASE FOR CHANGE IN CAPTIONERS]

Alvarez: THANK YOU, MR. WEBB. THAT'S ALL MY QUESTIONS FOR NOW. THANKS.

Mayor Wynn: FURTHER QUESTIONS, COMMENTS?

Alvarez: MAYBE MORE OF A COMMENT.

Mayor Wynn: COUNCILMEMBER ALVAREZ.

Alvarez: I REMEMBER THIS CASE WHEN IT CAME UP IN 2002 AND IT WAS ACTUALLY A PRETTY CLOSE VOTE WHEN IT WAS APPROVED BY THE COUNCIL IN 2002, IT WAS A 4-3 VOTE TO CHANGE THE ZONING FROM IRR TO MF-4-CO WITH THE CONDITIONS WE'VE BEEN DISCUSSING. AND I THINK PART OF THE REASON IT WAS ABLE TO GET THE VOTES WAS BECAUSE YOU HAD SEVERAL NEIGHBORHOOD ASSOCIATIONS WHO WERE AT THE TABLE AND HAD NEGOTIATED THESE CONDITIONS WITH THE PROPERTY OWNER, AND I WAS ACTUALLY ONE OF THE NO VOTES, SO EVEN WITH THE NEIGHBORHOOD COMPROMISE, I THOUGHT ALLOWING THEM TO GO FROM IRR TO MF-4-CO WITH THESE CONDITIONS WAS ALLOWING MORE DENSITY THAN I WAS COMFORTABLE WITH. AND SO NOW THEY'VE COME BACK A FEW YEARS LATER AND ASKING FOR MORE DENSITY, SO I PERSONALLY CAN'T SUPPORT IT BECAUSE I DIDN'T SUPPORT THE INITIAL -- THE INCREASED DENSITY THAT WAS ALLOWED IN 2002. AND I SUSPECT REALLY, YOU KNOW, IF SOME OF THESE PROPOSALS THAT ARE ON THE TABLE WERE ON THE

TABLE THEN AND THE NEIGHBORHOOD WASN'T SUPPORTING THE ZONING CHANGE IN 2002 THAT THEY MAY NOT HAVE GOTTEN THEIR FOUR VOTES FOR THAT ZONING CHANGE BECAUSE NOW IT SEEMS LIKE SORT OF A MINOR CHANGE, BUT IT SEEMS TO ME THAT IT'S REALLY LIKE YOU'RE ALMOST -- THE WAY I'M THINKING ABOUT IT, IT'S LIKE GOING FROM IRR TO WHAT THEY'RE ASKING FOR NOW BECAUSE, AGAIN, THE OTHER ZONING CASE WAS -- HAPPENED JUST A FEW YEARS AGO WITH SOME OF THESE AGREEMENTS THAT WERE REFERENCED. AND SO THAT'S -- A COMMENT I WOULD MAKE TO THE COUNCIL MAYBE IN TERMS OF AT LEAST HOW I'M THINKING ABOUT IT, BUT I WON'T BE SUPPORTING IT BECAUSE OBVIOUSLY WE'RE GIVING EVEN MORE DENSITY THAN WE WERE GIVING IN 2002, AND I THOUGHT THAT WAS OVERLY GENEROUS AT THAT TIME. BUT THE OTHER -- SO ANYWAY, I THINK THE FACT THAT THERE WAS AN AGREEMENT IS IMPORTANT CERTAINLY, BUT ALSO I PERSONALLY DON'T LIKE WHEN THE APPLICANTS REDUCE THEIR BOUNDARIES TO ELIMINATE VALID PETITIONS, BUT OBVIOUSLY THAT'S SOMETHING THEY HAVE A RIGHT TO DO, BUT IT DOESN'T REALLY SHOW A GOOD FAITH EFFORT TO ARRIVE AT A MUTUALLY AGREEABLE SOLUTION. I JUST WANTED TO JUST MAKE THOSE COMMENTS, MAYOR. THANKS.

Mayor Wynn: THANK YOU, COUNCILMEMBER.
COUNCILMEMBER DUNKERLEY.

Dunkerley: ONE OF THE REASONS I LIKE THE FACT THAT THE FOOTPRINT HAS BEEN DRAWN BACK, I THINK YOU'VE GOT MORE ASSURANCE THAT WHAT HAS BEEN PLANNED AND THE SITE PLANS THAT HAVE BEEN FILED WILL ACTUALLY BE BUILT BECAUSE YOU ONLY HAVE A LIMITED AMOUNT OF MF-4. THEN I THINK THE OTHER THING THAT STRUCK ME, AS MR. HARMON SPOKE, IS THAT THERE ARE A LOT OF VERY, VERY LARGE TREES. AND IF YOU VISUALIZE TRYING TO SPACE A MULTITUDE OF SMALLER BUILDINGS OVER THAT SPACE, I REALLY DON'T SEE HOW YOU COULD DO IT WITHOUT TAKING DOWN SOME OF THOSE LARGE TREES. SO I THINK BY PULLING THAT FOOTPRINT BACK AND LEAVING VIRTUALLY A PART SURROUNDING IT, WE HAVE A LOT MORE ASSURANCE THAT THOSE TREES THAT HAVE BEEN THERE FOR, WHAT, 100 YEARS OR SO OR MORE, WILL BE THERE A LOT LONGER.

SO I THINK IN THAT RESPECT WE'VE GOT SOME ASSURANCE OF WHAT THIS DEVELOPMENT IS GOING TO BE LIKE, NOT ONLY NOW, BUT IN THE FUTURE.

Mayor Wynn: COUNCILMEMBER MCCRACKEN.

McCracken: I'D ADD SOMETHING, IF MR. GURNSEY COULD HELP US OUT. I DID NOT UNDERSTAND THE DIFFERENCE BETWEEN S.O.S. COMPLIANT AND THEN WITH THE SUBSEQUENT STATING THAT THE ZONING, IMPERVIOUS COVER AND BUILDING COVERAGE WOULD BE REDUCED FROM 65 TO 15 PERCENT. HOW ARE THOSE -- HOW ARE THOSE TWO DIFFERENT THINGS.

THEY'RE EACH OF THE STANDARD FOR THE WATERSHED AND ZONING ORDINANCES, EACH STANDS SEPARATELY AND THE OWNERS AGREED TO MODIFY THE ZONING RESTRICTIONS ON IMPERVIOUS COVER DOWN TO 15%. THEY COME CLOSER TO BEING WHAT'S IN THE WATERSHED ORDINANCE, BUT THE WATERSHED REGULATIONS WOULD STAND EITHER WAY AND THEY APPEAR TO BE MORE RESTRICTIVE THAN ZONING RESTRICTIONS. IF THE S.O.S. ORDINANCE WERE EVER OVERTURNED, THE ONLY THING WE COULD SAY IS THAT WE WOULD HAVE THE ZONING IMPERVIOUS COVER LIMITATIONS IN PLACE THAT WOULD BIND THE OWNER REGARDLESS OF WHATEVER CHANGE WOULD BE MADE TO WATERSHED REGULATIONS IN THE FUTURE EITHER AT OUR LEVEL OF GOVERNMENT OR AT A LEGISLATIVE LEVEL. THAT WOULD BE SET IN PLACE THAT THE OWNER AND ALL FUTURE OWNERS WOULD BE BOUND TO THE 15%. THAT WOULD BE THE ADVANTAGE OF HAVING THAT. THE PRACTICAL ADVANTAGE -- NO, THE WATERSHED ORDINANCES ARE GOING TO OVERALL THE ZONING REGULATIONS AND BE MORE RESTRICTIVE.

McCracken: AND THEN MY FINAL QUESTION WOULD BE ON THE CONCEPT OF MULTIPLE BUILDINGS VERSUS ONE, HOW IS IT THAT MULTIPLE BUILDINGS COULD BE CONSTRUCTED? IS IT THAT THE SINGLE BUILDING WOULD BE LESS THAN 15%?

WELL, THE ZONING ORDINANCE THAT WHEN THE REQUEST IS BEFORE YOU WOULDN'T NECESSARILY LIMIT IT TO A SINGLE BUILDING. THE APPLICANT MAY BE ABLE TO LIMIT

THE PROPERTY TO A SINGLE BUILDING, BUT RIGHT NOW WHAT THIS IS DOING IS LOWERING THE DENSITY, ALLOWING AN INCREASE IN HEIGHT WITHIN A PARTICULAR AREA OF THE PROPERTY, MAINTAINING THE SAME TRIPS AND LOWERING THE ZONING AND IMPERVIOUS COVER. NOTHING WOULD PRECLUDE THE OWNER IN THE FUTURE OR A FUTURE OWNER IF THEY DECIDE THIS PROJECT NOT GO FORWARD, FROM BUILDING MULTIPLE BUILDINGS. I THINK WHAT YOU HAVE IS THE PROPOSED BUYER OF THE PROPERTY HAS FILED A SITE PLAN WITH THE OWNER'S PERMISSION TO CONSTRUCT A SINGLE BUILDING, BUT THIS ORDINANCE DOESN'T NECESSARILY PRECLUDE THAT FROM BEING MULTIPLE BUILDINGS IN THE FUTURE, THEY WOULD JUST BE SMALLER BUILDINGS AND LESS IMPERVIOUS COVER PROBABLY ASSOCIATED -- ADJACENT TO EACH OF THOSE BUILDINGS, BUT THERE'S NOTHING IN THIS ORDINANCE THAT WOULD LIMIT IT TO A SINGLE BUILDING AT THIS TIME.

McCracken: SO THE TYPICAL DEAL WOULD BE THEN TO HAVE SURFACE PARKING, SMALLER BUILDINGS SPREAD OUT OVER MORE SPACE. IS THAT THE NORMAL PROGRAM?

THAT WOULD BE THE NORMAL PROGRAM WANT. IF THE ZONING WERE DENIED AND SOMEBODY WANTED TO GO FORWARD, THEY WOULD NOT BE ABLE TO GET THE HEIGHT SO THAT THE BUILDING -- IF THEY WANTED TO TRY TO ATTAIN THE SAME NUMBER OF UNITS WOULD BE SPREAD OUT OVER A SLIGHTLY LARGER AREA. THEY COULD NEVER EXCEED THE ALLOWED IMPERVIOUS COVER, IT WOULD JUST BE SMALLER BUILDINGS AND PROBABLY THE SAME AMOUNT OF IMPERVIOUS COVER, BUT PROBABLY EVEN MORE THAN ONE BUILDING.

McCracken: YEAH. THAT'S HELPFUL, GREG, THANK YOU.

Mayor Wynn: COUNCILMEMBER LEFFINGWELL.

Leffingwell: JUST TO FOLLOW-UP ON THIS POINT. IF THIS PROPOSAL WERE APPROVED, THEY WOULD BE REQUIRED TO BUILD-- THE ENTIRE DEVELOPMENT WOULD BE A SINGLE BUILDING, IS THAT CORRECT?

NO. WITH THE ZONING THAT'S APPROVED, THEY COULD

STILL HAVE TWO BUILDINGS OR THREE BUILDINGS, THEY WOULD JUST BE SUBJECT TO S.O.S. REQUIREMENTS FROM IMPERVIOUS COVER, WATERSHED REQUIREMENTS. THEY WOULD BE LIMITED TO THE HEIGHT RESTRICTION OF 60 FEET WITHIN THAT ENVELOPE, BUT NOTHING WOULD PRECLUDE THEM FROM BUILDING A BUILDING. THEY MAY STRADDLE THE LINE AND BE 45 FEET ON ONE SIDE AND 60 FEET ON ONE SIDE, THEY COULD STILL DO THAT POSSIBLY.

Leffingwell: THAT CONFLICTS WITH WHAT I UNDERSTOOD THE APPLICANT TO SAY, AND MAYBE HE WOULD LIKE TO ANSWER THAT QUESTION BECAUSE I BELIEVE HE STATED THAT THE SITE PLAN THAT THEY HAVE NOW WOULD RESTRICT IT TO A SINGLE BUILDING, AND THAT'S WHAT I PERCEIVED TO BE THE BIGGEST ADVANTAGE TO THIS PROPOSAL IS A CLUSTERED PLAN WITH A SINGLE BUILDING AS COUNCILMEMBER DUNKERLEY POINTED OUT, IT WOULD SAVE TREES, INCREASE BUFFERS, ETCETERA. SO IS THERE A WAY TO ENSURE IF THIS REQUEST WAS APPROVED THAT THAT WOULD BE THE CASE?

WELL, THE APPLICANT COULD OFFER IN THAT PUBLIC RESTRICTIVE COVENANT SOME LIMITATION THAT MAY LIMIT IT TO A SINGLE BUILDING, BUT THOSE COVENANTS ARE THINGS THAT ARE OFFERED BY THE DEVELOPER.

Leffingwell: AND WHILE YOU'RE ANSWERING THAT ONE, WOULD A SIMILAR LOGIC APPLY TO THE TWO-STAR RATING AND THE STRUCTURED PARKING AS OPPOSED TO SURFACE PARKING?

WE COULD POSSIBLY DEAL WITH THE PUBLIC COVENANT DEALING WITH STRUCTURED PARKING AND ALSO THE GREEN BUILDER RATING, THOSE COULD BE DONE WITH A PUBLIC RESTRICTIVE COVENANT.

Leffingwell: A PUBLIC RESTRICTIVE COVENANT?

A PUBLIC RESTRICTIVE COVENANT.

Leffingwell: YOU WERE GOING TO COMMENT ON THIS.

MIKE WHELLAN ON BEHALF OF THE APPLICANT. WE CAN

SHOW WHAT OUR CURRENT SITE PLAN IS. WE HAVE A SITE PLAN NUMBER, IT'S BEEN FILED. IT IS A SINGLE BUILDING. AS YOU CAN SEE HERE, THE NEIGHBORHOOD, WHICH IS OVER 600 FEET AWAY FROM THE FOLKS. ACTUALLY, WE MAY HAVE ACTUALLY MOVED THIS BACK A LITTLE BIT FURTHER TOWARDS SLAUGHTER. I THINK ONE THING WE COULD COMMIT TO IS A CONCERN I HEARD FROM COUNCILMEMBER MCCracken IS BE SURE THAT OUR BUILDING IS WITHIN THE REZONED AREA AND DOES NOT LEAK OUT OF THAT OR CREEP OUT OF THAT REZONED AREA IN TERMS OF -- SINCE WE DON'T HAVE FINAL APPROVAL FROM THE CITY STAFF ON WHETHER THEY WERE GOING TO ACCEPT THIS SITE PLAN, I THINK IT WOULD BE DIFFICULT TO COMMIT TO JUST ONE BUILDING, ALTHOUGH THIS IS WHAT WE HAVE FILED AND WHAT WE ARE HOPING TO GET APPROVAL FOR IS A SINGLE BUILDING. WE COULD COMMIT TO KEEP THE BUILDING WITHIN THE REZONED AREA, THE AREA THAT WE'VE MARKED, THE SEVEN ACRES, THOUGH.

Leffingwell: IF YOU DIDN'T HAVE A SINGLE BUILDING, YOU WOULD IN EFFECT HAVE A SMALLER FOOTPRINT OR LESS DENSITY, WOULDN'T YOU? I MEAN, IF YOU HAD MORE WALLS INSTEAD OF -- MORE EXTERIOR WALLS, YOU WOULD HAVE MORE OF THAT?

WELL, WE WOULD HAVE -- IF WE BROKE UP THE BUILDINGS, YOU PROBABLY WOULD HAVE MORE IMPERVIOUS COVER THAN YOU WOULD WITH THIS PARTICULAR DESIGN, A SINGLE BUILDING THE WAY IT'S CONCENTRATED.

Leffingwell: AS FOR THE OTHER ITEMS, YOU WOULD BE WILLING TO ENTER INTO A PUBLIC RESTRICTIVE COVENANT ON THE TWO-STAR GREEN BUILDING AND THE STRUCTURED PARKING, IS THAT CORRECT?

TO HAVE THE PARKING UNDERGROUND? >>

Leffingwell: YES.

I WANT THIS TO BE CLEAR BECAUSE I'VE MENTIONED IT BEFORE. BECAUSE OF THE ELEVATION SLOPE, ONE LEVEL OF THE PARKING IS ABOVE GROUND, STARTS ABOVE GROUND, AND BECAUSE OF THE ELEVATION IT FALLS

BELOW. BUT WE COULD WORK WITH STAFF TO, FOR EXAMPLE, LIMIT THE NUMBER OF SURFACE PARKING LOTS. I THINK I HEARD FROM THE ENGINEER THERE'S 10 -- NO MORE THAN 10 SURFACE PARKING AVAILABLE SO THAT WE DON'T GET INTO A FIGHT DOWN THE ROAD WITH DIFFERENT CITY STAFF 20 YEARS FROM NOW.

Leffingwell: NO MORE THAN 10?

NO MORE THAN 10 SURFACE PARKING AVAILABLE. AND WITH REGARD TO DENSITY, COUNCILMEMBER ALVAREZ, WE'RE AGREEING TO REDUCE THE DENSITY IN HALF FROM THE OTHER ZONING, SO THAT TOO WOULD BE PART OF THAT COVENANT THAT WE'VE TALKED ABOUT, THE PUBLIC COVENANT.

Leffingwell: ORKS, THANKS. O.O. OKAY, THANKS. CAN I ASK A QUESTION OF MR. HARKEN? COULD YOU EXPLAIN TO ME HOW YOU GOT 10.85% AS THE CURRENT ZONING IMPERVIOUS COVER LIMIT?

YES, SIR. SO THE APPLICANT FILED A SITE PLAN WITH CITY STAFF, AND SO IT'S A 30-ACRE PIECE OF PROPERTY, AND SO THE FIRST THING THAT THE CITY STAFF DOES IS A WATER QUALITY CALCULATION. THE LAND IS ENCUMBERED BY A CRITICAL WATER QUALITY FEATURE AND WATER QUALITY FEATURES WHICH MEANS THAT THE PROPERTY OWNER HAS ABOUT A LITTLE OVER 20 ACRES OF DEVELOPABLE LAND. THEY THEN APPLY S.O.S. TO THE PROPERTY, REDUCING IT TO THE 15% ALLOWABLE IMPERVIOUS COVER, WHICH ACCORDING TO THE CITY STAFF CALCULATIONS BASED ON THE SITE PLAN PROVIDED BY THE APPLICANT IS 3.19 ACRES OF IMPERVIOUS COVER. ONE OF THE THINGS I'D -- MIKE, WOULD YOU MIND IF I USED YOUR PICTURE JUST FOR A SECOND? [LAUGHTER] ONE OF THE THINGS YOU'LL NOTICE IS THAT THIS PROPERTY -- RIGHT NOW IF ANY OF YOU HAVE BEEN TO THE PROPERTY, THIS IS WHERE THE CURRENT SINGLE-FAMILY IS WITH THE DETACHED BARN. THAT'S AN OPEN AREA. THERE AREN'T ANY TREES IN THE MIDDLE. COMBINE THAT WITH THE FACT THAT THEY'VE ONLY GOT THREE ACRES OF IMPERVIOUS COVER, THEY'RE NOT GOING TO DO A NON-CLUSTERED DEVELOPMENT BECAUSE IT DOESN'T MAKE SENSE FINANCIALLY. WE'VE ANALYZED THIS

THING UPSIDE, SIDE WAYS, DOWN SIDE, WE'VE LOOKED AT IT AND WE'VE COME TO THE CONCLUSION THAT THEY'RE REALLY ONLY ASKING TO 56 FEET. THEY COULD DIG DOWN 11 FEET DEEPER AND GET THE SINGLE STRUCTURE THAT THEY WANT, BUT THERE'S NO GUARANTEE THAT THEY'RE NOT GOING TO BUILD UP TO THAT 3.19. SO WHEN YOU LOOK AT THIS PIECE OF PROPERTY AND YOU THINK ABOUT A CLUSTERED DEVELOPMENT, THINK THAT THEY'RE ONLY ALLOWED TO DO A MAXIMUM OF 199 UNITS WITH THE EXISTING ZONING. IF YOU GIVE THEM 60 FEET, THAT'S 15 FEET OF EXISTING -- OF ADDITIONAL UNITS THAT THEY CAN DO. SO IF YOU LOOKED AT A TIA OF 2,000 TRIPS PER DAY, WHICH IS WHAT THIS PROPERTY IS LIMITED TO, THAT'S 311 TRIPS THAT THEY COULD DO. SO THAT'S AN INCREASE. SO IF YOU LOOK AT THIS, A CLUSTER DEVELOPMENT IS GOING TO HAPPEN ANYWAY IS THE BOTTOM LINE. I HOPE THAT ANSWERED YOUR QUESTION.

Leffingwell: WELL, NOT REALLY, BUT THE 10.85%, ISN'T THAT REALLY S.O.S. FOR THIS PROPERTY?

WELL, I'M NOT SURE WHERE THE WATER QUALITY AND CRITICAL WATER QUALITY FEATURES COME IN. IS THAT PART OF S.O.S.?

Leffingwell: THE IMPERVIOUS COVER LIMIT WOULD BE BASED ON NET SITE AREA. AFTER YOU TAKE AWAY THE DEDUCTION FOR THE CRITICAL ZONE AND THE 30% FOR THE TRANSITION ZONE AND YOU THEN APPLY 15% TO WHATEVER NUMBER THAT IS, I SUSPECT THAT WOULD BE 10.5 ACRES, SO WE'RE REALLY TALKING -- IT'S GOING TO BE 15% NO MATTER WHAT THE ZONING IS, IT'S GOING TO BE 15%.

NO, ACTUALLY, 15% OF 30 ACRES IS 4.5.

Leffingwell: 15% OF THE NET SITE AREA.

YES, SIR.

Leffingwell: SO THAT -- IT'S GOING TO BE 15% NO MATTER WHAT THE ZONING IS.

RIGHT. I THINK I POINTED THAT OUT.

Leffingwell: I AGREE THAT (INDISCERNIBLE) OR RURAL RESIDENTIAL IT CHRISTINE HAAS A LIMIT OF 15% NET SITE AREA, SO IT HAS A LIMIT OF 15%. SO IT'S NOT A ZONING THING, IT'S A MANAGEMENT CODE RESTRICTION.

THE EXISTING ZONING ON THE PROPERTY MAKES IT THAT WAY.

Leffingwell: I THINK MR. GURNSEY BROUGHT OUT THE POINT THAT IF AT SOME POINT IN THE FUTURE S.O.S. IS REPEALED, YOU STILL HAVE A ZONING LIMIT OF 15%.

Mayor Wynn: FURTHER COMMENTS, QUESTIONS? AGAIN, STAFF IS TELLING US THEY'RE ONLY READY FOR FIRST READING REGARDLESS. HEARING NONE, I'M OPEN FOR A MOTION ON CASE Z-22. COUNCILMEMBER MCCRACKEN.

McCracken: YEAH, WE HAVE A SITUATION HERE THIS EVENING WHERE WE HAVE A ZONING CASE WHERE IT WAS A VALID PETITION THAT WAS CREATED BY SOMEONE WHO WAS OPENLY FLAWING THEIR OPPORTUNITY TO -- FLAWING THEIR OPPORTUNITY TO VIOLATE OUR ZONING LAWS. TRYING TO CAPITALIZE A 1704 EXCEPTION TO POACH ON THE POTENTIAL CUSTOMER OR COMPANY THAT WAS GOING TO GO THERE. SO I ALREADY HAVE A -- I DO NOT VIEW THE VALID PETITION WITH ANY CREDIBILITY BECAUSE IT WAS USED BY COMMUNICATE ATTEMPTING TO TRY TO GET AROUND OUR ENVIRONMENTAL LAWS AND VIOLATE A VALID PETITION IN THAT REGARD. AND NEXT WE HAVE BEFORE US IS THE QUESTION OF FROM AN URBAN PLANNING AND ENVIRONMENTAL STANDPOINT HOW IS THIS PROJECT? I THINK IT IS CLEARLY EXCEPTIONAL. I THINK EVERYBODY ACROSS THE BOARD, EVEN THE FOLKS WHO ARE OPPOSING IT AGREES THAT IT'S AN EXCEPTIONAL PROJECT FROM AN ENVIRONMENTAL STANDPOINT. AND THEN AS PRESENTED AS A SINGLE BUILDING WITH STRUCTURED PARKING, THAT'S SOMETHING THAT WE AS A COUNCIL REALLY TRY TO GET ALL THE TIME. BECAUSE YOU MITIGATE URBAN HEAT ISLAND ISSUES WITH STRUCTURED PARKING AS OPPOSED TO SURFACE PARKING. AND SO I THINK ON BALANCE THE QUESTION IS DOES 15 EXTRA FEET OF HEIGHT OR

BASICALLY ONE FLOOR, HOW DOES THAT COMPARE TO THE CLUSTERING, TO MORE OPEN SPACE PROTECTION. AND I PERSONALLY PLACE A MUCH HIGHER VALUE -- THE EXTRA HEIGHT IS AN IMPORTANT DEAL TO SOME DEGREE, BUT PROTECTING MORE HABITAT AND PRESERVING MORE OF THIS HABITAT TO ME IS SOMETHING THAT IS A BETTER RESULT, AND BECAUSE THIS PLACE WILL REMAIN MORE UNTOUCHED, I THINK WHAT WE HAVE BEFORE US IS BETTER TONIGHT. SO I'M GOING TO MOVE TO APPROVE THE APPLICANT'S REQUEST ON FIRST READING.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER MCCRACKEN TO CLOSE THE PUBLIC HEARING AND APPROVE ON FIRST READING ONLY, SECONDED BY COUNCILMEMBER DUNKERLEY.

Leffingwell: MAYOR?

Mayor Wynn: COUNCILMEMBER LEFFINGWELL.

Leffingwell: I'M GOING TO SUPPORT THE MOTION ON FIRST READING ONLY BECAUSE I BELIEVE IT IS AN IMPROVEMENT OVER WHAT COULD BE BUILT UNDER THE EXISTING AGREEMENT OR THE EXISTING ZONING, BUT BEFORE WE COME BACK FOR SECOND READING, I WOULD LIKE TO SEE SOME PROGRESS IN THE AREA OF A PUBLIC RESTRICTIVE COVENANT TO MEMORIALIZE THE STRUCTURED PARKING WITH A VERY LIMITED NUMBER OF SURFACE SPOTS AND ALSO TO LIMIT THE PERIMETER OF THE BUILDING AREA SO THAT IT IS INDEED CLUSTERED. AND FINALLY, TO ENSURE THAT THE BUILDING WILL BE BUILT IN ACCORDANCE WITH THE TWO-STAR RATING FROM AUSTIN ENERGY.

Mayor Wynn: THANK YOU, COUNCILMEMBER. FURTHER COMMENTS? COUNCILMEMBER KIM.

Kim: JUST LOOKING AT AND HEARING FROM ANC AND THE NEIGHBORHOODS, I THINK THAT THEY HAVE SOME PRETTY STRONG ARGUMENTS, ESPECIALLY HAVING TO DO WITH THE AGREEMENT STRUCK IN 2002 THAT THE 45 FEET WAS WHAT THEY WERE TOLD WAS ADEQUATE FOR A STRUCTURE THAT IS MORE COMPATIBILITY WITH THAT NEIGHBORHOOD. IT IS A SUBURBAN AREA, IT IS NOT A DENSE URBAN AREA.

SLAUGHTER LANE, I DON'T THINK 60 FEET IS APPROPRIATE FOR THAT AREA. I DO LIKE THAT WE ARE GOING TO BE PROTECTING THE LAND AND THE PARKLAND AND THE ENVIRONMENTAL PROTECTION, BUT AT THIS TIME I'M NOT GOING TO SUPPORT THE MOTION.

Mayor Wynn: COUNCILMEMBER ALVAREZ.

Alvarez: THANKS, MAYOR. I THINK I PRETTY MUCH MADE MY COMMENTS EARLIER, BUT THE ONLY THING I WOULD SAY IS THAT YOU'RE NOT GETTING ANY MORE ENVIRONMENTAL PROTECTION WITH THIS PLAN THAN WHAT YOU WOULD IF THIS ZONING CASE DOESN'T PASS BECAUSE THEY ARE DEVELOPING TO 15% IMPERVIOUS COVER RIGHT NOW, I MEAN, WITH THIS PLAN, AND THEY'RE CURRENTLY ABLE TO DO THAT. AND SO YOU CAN -- I GUESS THE ONLY THING THEY COULD DECIDE IS TO DRAW THE 15% ENVELOPE DIFFERENTLY, BUT YOU'RE STILL GOING TO HAVE 15% IMPERVIOUS COVER ON THIS PROPERTY, SO THERE'S NO ADDITIONAL ENVIRONMENTAL BENEFIT, BUT THEY'RE GETTING MORE DENSITY. AND I DON'T KNOW IF I'M MISSING SOMETHING HERE, BUT 15% IS 15%. THEY'RE NOT AGREEING TO DEVELOP AT LESS THAN 15%, AND THAT'S THE ONLY WAY THERE COULD BE A BETTER ENVIRONMENTAL BENEFIT HERE.

Mayor Wynn: THANK YOU, COUNCILMEMBER. AGAIN, WE HAVE A MOTION AND A SECOND ON THE TABLE TO APPROVE ON FIRST READING ONLY, ZONING AND PLATTING COMMISSION RECOMMENDATION. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED?

NO.

Mayor Wynn: MOTION PASSES ON FIRST READING ONLY ON A VOTE OF 4-2 WITH COUNCILMEMBERS KIM AND ALVAREZ VOTING NO AND MAYOR PRO TEM OFF THE DAIS. THANK YOU ALL VERY MUCH.

MAYOR AND COUNCIL, THAT CONCLUDES THE 4:00 O'CLOCK ZONING ITEMS.

Mayor Wynn: COUNCIL, THAT TAKES US 20 MINUTES PAST OUR LIVE MUSIC AND PROCLAMATIONS, SO AT THIS TIME WE WILL RECESS THE MEETING OF THE CITY COUNCIL TO CONDUCT OUR LIVE MUSIC. STAY TUNED FOR THE AUSTIN YOUNG ARTISTS AND THEN A SERIES OF PROCLAMATIONS. WE ARE NOW IN RECESS AND SHOULD BE BACK SHORTLY.

Mayor Wynn: OKAY, FOLKS. WELCOME TO OUR WEEKLY LIVE MUSIC GIG AT THE AUSTIN CITY COUNCIL. WE'RE A FEW MINUTES BEHIND, BUT PATIENCE IS A VIRTUE AND WE'RE GOING TO BE TREATED WITH A GREAT PERFORMANCE, JOINING US TODAY REPRESENTING THE AUSTIN YOUNG ARTISTS IS THALES SMITH ON CLASSICAL GUITAR. THALES IS 14 YEARS OLD AND BEGAN PLAYING GUITAR AT AGE SEVEN. HE HAS BEEN CHOSEN TO PERFORM AT THE AUSTIN YOUNG ARTISTS GAY LA CONCERT, AN ANNUAL EVENT THAT SHOWCASES THE EXCEPTIONAL TALENT OF AUSTIN AREA YOUTH FROM KINDERGARTEN THROUGH 12TH GRADE. PLEASE JOIN ME IN WELCOMING THALES SMITH FROM THE AUSTIN YOUNG ARTISTS. [APPLAUSE] [(music) MUSIC PLAYING (music)(music)] [(music) MUSIC PLAYING (music)(music)] SUGGESTION SUS GAM IMAGE. GAMMAGE. [(music) MUSIC PLAYING (music)(music)] [APPLAUSE]

Mayor Wynn: WELL DONE. I'M NOT EVEN GOING TO TELL YOU WHAT I WAS DOING AT 14 YEARS OLD. HOW IMPRESSIVE. IT'S REMARKABLE. ACTUALLY, I WOULD LIKE TO ASK MARTHA MCDONALD TO COME UP. MARTHA IS WITH AUSTIN YOUNG ARTISTS. TELL US ABOUT THE PROGRAM, HOW YOU FIND TALENTS LIKE THALES AND WHAT OTHER PROGRAMS YOU HAVE GOING.

WE HAVE A BIG CONCERT COMING UP ON SUNDAY AT 4:00 O'CLOCK AT JUSTIN AUDITORIUM AT THE UNIVERSITY OF TEXAS. AND THERE WILL BE 25 YOUNG ARTISTS FROM AGES FIVE THROUGH 17 ON PIE AN KNOW, WE HAVE STRING QUARTER AT THE TIME, VARIOUS INSTRUMENTS, AND THALES WILL BE PERFORMING. WE WOULD LIKE TO ENVIRONMENT EVERYONE TO COME AND I THINK EVERYONE WILL BE VERY PROUD OF THE TALENT OF THESE YOUNG

MUSICIANS IN AUSTIN.

Mayor Wynn: BEFORE YOU GET AWAY, WE HAVE AN OFFICIAL PROCLAMATION THAT READS, BE IT KNOWN THAT WHEREAS, THE LOCAL COMMUNITY MAKES MANY CONTRIBUTIONS TOWARDS THE DEVELOPMENT OF AUSTIN'S SOCIAL, ECONOMIC AND CULTURAL DIVERSITY AND WHEREAS THE DEDICATED EFFORTS OF ARTISTS FURTHER AUSTIN'S STATUS AS THE LIVE MUSIC CAPE OF THE WORLD, NOW THEREFORE I, WILL WYNN, MAYOR OF THE CITY OF AUSTIN, TEXAS, DO HERE BY PROCLAIM JANUARY 12TH, 2006, AS AUSTIN YOUNG ARTISTS DAY AND THALES SMITH DAY ON GUITAR IN AUSTIN AND CALL ON ALL CITIZENS TO JOIN ME IN RECOGNIZING THIS GREAT YOUNG TALENT. [APPLAUSE]

Mayor Wynn: CONTINUING OUR THEME IS REMARKABLE YOUNG TALENT IN OUR TOWN, OUR FIRST PROCLAMATION IS ACTUALLY GOING TO BE A SERIES OF CON GRAT LAYINGS TO THE MAYOR'S BOOK CLUB ESSAY CONTEST WINNERS. I'M GOING TO ASK, I'M GOING TO ASK HER, WE HAVE SEVEN YOUNG PEOPLE HERE WHO ARE WINNERS OF THE CONTEST, AND IF THEY COULD COME UP AS I -- I'LL READ THE CERTIFICATE OF CON LAT CONGRATULATIONS, HAVE THEM TALK ABOUT THE PROGRAM, COME UP, SOMEONE IS GOING TO GET OUR PHOTOGRAPH. THEN AFTER WE GO THROUGH ALL SEVEN OF THESE AND INTRODUCE THEM, WE'LL DO A QUICK GROUP PHOTO. ESSENTIALLY YOU PROBABLY KNOW THAT MY PREDECESSOR, FORMER MAYOR GUS GARCIA STARTED THE BOOK CLUB BACK IN 2002, I GUESS IT WAS. AND WE CHOSE -- THE MAYOR CHOSE THE BOOK AND ASKED THE WHOLE CITY TO READ IT. ESSENTIALLY THE QUESTION WAS WHAT IF ALL OF AUSTIN READ THE SAME BOOK? AND AFTER THE SUCCESS OF THE SECOND YEAR, THE FOLKS WHO ARE HELPING MAYOR GARCIA AND MYSELF ORGANIZE THE CAMPAIGN ASKED THE QUESTION, WHAT IF AUSTIN WROTE THE SAME BOOK? AND WITH THE REMARKABLE EFFORT BY THE UNIVERSITY OF TEXAS HUMANITIES INSTITUTE AND OTHERS, THERE'S THIS GREAT BOOK THAT WAS PRINTED A YEAR AND A HALF AGO CALLED WRITING AUSTIN'S LIVES AND IT WAS A COLLECTION OF ESSAYS BY FOLKS ALL ACROSS THE COMMUNITY, ALL AGES, ALL PARTS OF TOWN, ALL DIFFERENT INTERESTS IN THE COMMUNITY, AND IT'S A REMARKABLE BOOK. AND I TRUST Y'ALL HAVE

SEEN IT. IF YOU HAVEN'T, THEN LOOK IT UP. IT'S A GREAT READ AND YOU WILL LEARN A LOT ABOUT THIS CITY JUST BY READING THROUGH THE DIFFERENT ESSAYS. AS PART OF THE PROMOTION -- SO I CHOSE WRITING AUSTIN'S LIVES AS THE MAYOR'S BOOK CLUB LAST YEAR. PART OF THE PROMOTION OF THAT, WE WANTED TO ALSO COMBINE WRITING SKILLS WITH READING, THE FUNDAMENTAL COMBINATION OF LITERACY, AND SO WE ASKED YOUNG PEOPLE ACROSS THE CITY TO ENTER IN AN ESSAY CONTEST, AND THE QUESTION WAS WHAT WOULD YOU DO IF YOU WERE MAYOR FOR THE DAY? AND WE HAD A REMARKABLE NUMBER OF GREAT ESSAYS SUBMITTED TO US. WE BROKE THE CONTEST DOWN INTO AGE CATEGORIES ESSENTIALLY. ABOUT FOURTH GRADE THROUGH 12TH GRADE. AND HAD REMARKABLE INPUT FROM THESE YOUNG PEOPLE. THE LEVEL OF AWARENESS THAT THEY SHOWED IN ADDRESSING THINGS LIKE TRAFFIC OR ENVIRONMENTAL PROTECTION OR AFFORDABLE OR HISTORIC PRESERVATION WAS REALLY REMARKABLE. AND I KNOW THAT THEY HAVE BEEN AND I HOPE THAT THEY ARE STILL UP ON OUR CITY'S WEBSITE THROUGH THE LIBRARY DEPARTMENT YOU CAN GO ON TO THE LINKS AND ACTUALLY READ THE AWARD WINNING ESSAYS. AND THEY WERE -- THEY'RE FUN TO READ AND OF COURSE I'M GOING TO COMPLETELY TAKE ADVANTAGE OF IT AND I'VE GOT SOME GREAT IDEAS ABOUT WHAT I SHOULD BE DOING EACH DAY AS MAYOR OF AUSTIN. AND THEY GAVE ME ENOUGH IDEAS TO PROBABLY LAST ME THE NEXT FEW YEARS. SO WHAT WE'RE GOING TO DO IS I THINK -- I HOPE I HAVE THESE IN ORDER. I WILL READ THE CERTIFICATE OF CONGRATULATIONS AND HAVE EACH OF THE YOUNG PEOPLE COME UP AND RECEIVE THEM, GET OUR PHOTO TAKEN, AND THEN YOU CAN JOIN ME IN A BIG ROUND OF APPLAUSE FOR MORE EMERGING YOUNG TALENT IN THIS GREAT TOWN OF OURS. OKAY. SO THE FIRST ONE, CITY OF AUSTIN CERTIFICATE OF CONGRATULATIONS, OF ALL THE DIVERSIONS IN LIFE, THERE ARE PERHAPS NONE QUITE SO FULFILLING AS READING AND WRITING. THIS CERTIFICATE IS PRESENTED TO AMY HOSTEDDER. WOULD AMY PLEASE COME UP? [APPLAUSE] AMY IS A FOURTH GRADER AT OAK HILL ELEMENTARY. I PROBABLY SHOULD HAVE READ THE ENTIRE PROCLAMATION. SO WHAT I WILL DO, THESE PROCLAMATIONS READ THE SAME, SO I WILL READ WHAT

THE REST OF AMY'S CERTIFICATE READS, AND THEN OF COURSE EACH OF THE YOUNG PEOPLE WILL HAVE THE SAME ONE. FOR OUTSTANDING ACHIEVEMENT IN THE MAYOR FOR A DAY ESSAY CONTEST. THANK YOU FOR PARTICIPATING IN THE MAYOR'S BOOK CLUB AND KEEP AUSTIN READING PROGRAM. YOUR WORK HAS PROVIDED US WITH AN ENRICHING AND THOUGHT PROVOKING EXPERIENCE. THIS CERTIFICATE IS PRESENTED WITH OUR CONGRATULATIONS ON YOUR INTEREST IN CIVIC AFFAIRS AND BEST WISHES FOR CONTINUED SUCCESS IN READING AND WRITING THIS 12TH DAY OF JANUARY, 2006, SIGNED BY ME AS MAYOR, BUT ACKNOWLEDGED BY THE ENTIRE AUSTIN CITY COUNCIL, MAYOR PRO TEM DANNY THOMAS AND COUNCILMEMBERS LEFFINGWELL, ALVAREZ, KIM, DUNKERLEY AND MCCRACKEN. SO OUR SECOND CERTIFICATE OF CONGRATULATIONS GOES TO BEN BENJAMIN SALAZAR, A FIFTH GRADER AT GLENDALE ELEMENTARY. [APPLAUSE] OUR NEXT CERTIFICATE GOES TO KNEISHA ANDREW, A SIXTH GRADER AT MAPLEWOOD ELEMENTARY. [APPLAUSE] AND THE NEXT CERTIFICATE OF CONGRATULATIONS GOES TO FERRIN DELOWCH, WHO IS A SEVENTH GRADER. [APPLAUSE] THEN WE HAVE THREE HONORABLE MENTIONS. THE FIRST IS TO CHRIS VAN ROSENBERG, WHO IS A FOURTH GRADER AT OAK HILL ELEMENTARY. CHRIS? [APPLAUSE] AND NEXT IS OLEAH AGUILAR, A THIRD GRADER AT BROWN ELEMENTARY. [APPLAUSE] ASHLEY AGUIRRE, WHO IS AN 11th GRADER AT MCCALLUM. [APPLAUSE] AGAIN, FOLKS, PLEASE JOIN ME IN CONGRATULATING THESE -- CONGRATULATING THESE GREAT ESSAY WINNERS IN OUR CONTEST. [CHEERS AND APPLAUSE]

Mayor Wynn: THE COUNCIL MEETING WILL RESUME AFTER A SHORT BREAK. THANK YOU VERY MUCH.

Mayor Wynn: THERE BEING A QUORUM PRESENT, I'LL CALL BACK TO ORDER THIS MEETING OF THE AUSTIN CITY COUNCIL. I APPRECIATE Y'ALL'S PATIENCE. WE HAVE FINISHED ALL OF OUR ZONING CASES IN RECORD FASHION. WE NOW GO TO OUR POST 6:00 P.M. PUBLIC HEARINGS AND POSSIBLE ACTIONS. WE WILL START WITH ITEM NUMBER 53. WE'LL TAKE THESE SEQUENTIALLY, WHICH IS THE PUBLIC HEARING AND APPROVAL OF ORDINANCE REGARDING CITY CODE RELATED TO THE HISTORIC LANDMARKS COMMISSION.

AND WE'LL RECOGNIZE NEW DEPARTMENT DIRECTOR GREG GURNSEY.

THANK YOU. THIS IS A PUBLIC HEARING TO AMEND SECTION 2-1-292 OF THE CITY CODE RELATING TO THE HISTORIC LANDMARK COMMISSION MEETINGS, PROCEDURES AND AMENDING SECTION 25-2-358 OF THE CITY CODE RELATING TO HISTORIC DESIGNATIONS. AND ESSENTIALLY THIS AMENDMENT DOES TWO THINGS. IT REMOVES THE DUTY OF THE CITY CLERK AND PLACES IN OUR DEPARTMENT AND THE HISTORIC PRESERVATION OFFICER THE RESPONSIBILITY OF MAINTAINING THE MINUTES. AND THE SECOND THING THAT IT DOES IS THAT IT REMOVES THE RESPONSIBILITY OF THE CITY CLERK FOR MAKING SURE THE APPRAISAL DISTRICT IS AWARE OF THE HISTORIC DESIGNATION AND PLACES IT IN HISTORIC NEIGHBORHOOD PLANNING DEPARTMENT WITH THE HISTORIC DESIGNATION OFFICER THAT RESPONSIBILITY. WE FEEL THAT THIS IS A GOOD AMENDMENT BECAUSE OUR DEPARTMENT IS THE DEPARTMENT THAT ACTUALLY WORKS AND CREATES THE MINUTES, SO THE MAINTENANCE OF THOSE MINUTES, IT ONLY MAKES SENSE TO HAVE IT. THIS ALSO WOULD BE IN ACCORDANCE WITH THE LOCAL GOVERNMENT RECORDS CONTROL SCHEDULE THAT REQUIRES A CREATING DEPARTMENT TO BE THE CUSTODIAN OF THOSE MINUTES. THE SECOND THING THAT SPEAKS TO THE HISTORIC DESIGNATION AND NOTIFYING THE APPRAISAL DISTRICT, WE FEEL THAT WE COULD PROBABLY DO THAT QUICKER THAN THE CLERK'S OFFICE, NO OFFENSE TO THE CLERK'S OFFICE, BUT SINCE WE'RE THE AGENCY THAT'S RESPONSIBLE FOR THAT, WE CAN GET THE APPROPRIATE INFORMATION TO THEM IN A MORE TIMELY MANNER. SO STAFF RECOMMENDS THIS AND WE'RE NOT AWARE OF ANY OPPOSITION TO THIS REQUEST.

Mayor Wynn: THANK YOU, MR. GURNSEY. QUESTIONS OF STAFF, COUNCIL? WE HAVE NO ITEMS SIGNED UP FOR ITEM 53, THIS CITY CODE AMENDING ORDINANCE.

MAYOR, IF I CAN, THE POSTING READS TO CONDUCT A PUBLIC HEARING AND APPROVE AN ORDINANCE AMENDING SECTION 2-1202, AND THAT SHOULD BE CHANGED TO 2-1-292, SO THAT WOULD BE A CHANGE AND CORRECTION, AND THE

ORDINANCE HAS BEEN DRAFTED TO CORRECTLY REFLECT THAT.

Mayor Wynn: THANK YOU, MS. TERRY. ARE THERE ANY CITIZENS WHO WOULD LIKE TO ADDRESS US RECORDING THIS PUBLIC HEARING OF THE CITY CODE AMENDMENT? OF SECTION 2-1-292? AND SECTION 25-2-358 OF THE CITY CODE. THANK YOU, MS. TERRY. QUESTIONS, COMMENTS FROM COUNCIL? IF NOT, I'LL ENTERTAIN A MOTION. MOTION MADE BY COUNCILMEMBER LEFFINGWELL THAT I'LL SECOND TO CLOSE THE PUBLIC HEARING AND APPROVE THE ORDINANCE AS PRESENTED BY STAFF. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR, PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED? MOTION PASSES ON A VOTE OF FIVE TO ZERO WITH THE MAYOR PRO TEM AND COUNCILMEMBER MCCRACKEN OFF THE DAIS. THAT TAKES US TO ITEM 54, CONDUCT A PUBLIC HEARING REGARDING AN APPEAL BY LUMBERMAN'S INVESTMENTS INC. OF A ZONING AND PLATTING COMMISSION'S DENIAL OF A SITE PLAN. WELCOME.

GOOD EVENING, COUNCILMEMBER, GEORGE ZAPALAC WITH WATERSHED PROTECTION AND DEVELOPMENT REVIEW DEPARTMENT. THIS IS AN APPEAL BY LUMBERMAN'S INVESTMENTS OF THE ZONING AND PLATTING COMMISSION'S DECISION TO DENY A SITE PLAN APPROVAL OF THE VILLAGE OF WESTERN OAKS SECTION 20 LOCATED AT 5301 DAVIS LANE JUST WEST OF MOPAC BOULEVARD BOULEVARD. THE PROPERTY IN QUESTION IS A FOUR ACRE TRACT LOCATED IN THE WILLIAMSON CREEK WATERSHED AND IN THE BARTON SPRINGS RECHARGE ZONE. THE APPLICANT IS POSTPONING TO CONSTRUCT TWO TWO STORY BUILDINGS TOTALING 49,200 SQUARE FEET. NORMALLY THAT WOULD BE AN AN ADMINISTRATIVE SITE PLAN; HOWEVER, THERE IS A NOTE ON THE RECORDED SUBDIVISION PLAT WHICH REQUIRES APPROVAL OF SITE PLANS BY THE ZONING AND PLATTING COMMISSION AND THE COMMISSION'S DECISION IS APPEALABLE TO CITY COUNCIL. THE TRACT WAS ORIGINALLY INCLUDED IN THE VILLAGE OF WESTERN OAKS MUNICIPAL UTILITY DISTRICT WHICH WAS ANNEXED INTO THE CITY LIMITS IN 1998 AND THE PROPERTY WAS THEN ZONED GR-

CO, COMMUNITY COMMERCIAL WITH A CONDITIONAL OVERLAY. THE APPLICANT IS REQUESTING GRANDFATHERING TO 1985 DEVELOPMENT REGULATIONS DUE TO APPROVAL OF A PRELIMINARY SUBDIVISION PLAT AT THAT TIME. THE STAFF CONCURS THAT THE PROPERTY COULD BE GRANDFATHERED, BUT ONLY IF THE PROJECT IS THE SAME AS ORIGINALLY PROPOSED AND COMPLIES WITH CONDITIONS ON THE RECORDED FINAL PLAT. THE FINAL PLAT STATES THAT DEVELOPMENT MUST COMPLY WITH THE VILLAGE OF WESTERN OAKS M.U.D. LAND PLAN, WHICH SPECIFIES RETAIL USES ON THE TRACT. EVEN THOUGH THE MUNICIPAL UTILITY DISTRICT WAS DISSOLVED AT THE TIME THE PROPERTY WAS ANNEXED INTO THE CITY, THE STAFF'S POSITION IS THAT THE DEVELOPMENT STILL MUST COMPLY WITH THE PLAT NOTE IN ORDER TO TAKE ADVANTAGE OF THE GRANDFATHERING FROM CURRENT REGULATIONS. THE SITE PLAN DOES IN FACT SHOW RETAIL USES, BUT IT CONTAINS A NOTE THAT PERMITS ALL USES ALLOWED IN THE GR ZONING DISTRICT, WHICH WOULD ALLOW OFFICE USES. WITH THIS NOTE THE APPLICANT COULD AT ANY TIME CHANGE THE SITE PLAN TO OFFICE USES, AND THE M.U.D. LAND PLAN NEVER CONTEMPLATED OFFICE USES FOR THIS TRACT. THIS IS THE KEY DIFFERENCE BETWEEN THE STAFF AND THE APPLICANT. IF A NOTE WERE PLACED ON THE PLAN RESTRICTING THE USES TO RETAIL ONLY, THEN THE SITE PLAN WOULD BE RECOMMENDED BY STAFF. TO OBTAIN GRANDFATHERING, THE APPLICANT WOULD HAVE TO BUILD A RETAIL PROJECT, OTHERWISE HE WOULD BE SUBJECT TO CURRENT REGULATIONS, WHICH WOULD BE THE S.O.S. ORDINANCE. THE STAFF'S RECOMMENDATION IN THIS CASE IS TO DENY THE APPLICANT APPLICANT'S REQUEST BECAUSE IT DOES NOT COMPLY WITH RESTRICTIONS ON THE PRELIMINARY SUBDIVISION PLAN AND THE APPROVED FINAL PLAT. THE ZONING AND PLATTING COMMISSION ON SEPTEMBER 20TH UPHOLD STAFF'S RECOMMENDATION AND VOTED TO DENY THE SITE PLAN BY A VOTE OF 8-1. THE COUNCIL'S OPTIONS THIS EVENING ARE, ONE, TO UP HOLD THE APPLICANT APPLICANT'S APPEAL AND APPROVE THE SITE PLAN AS REQUESTED BY THE APPLICANT. TWO, TO DENY THE APPEAL AND DISAPPROVE THE SITE PLAN. IF THIS OCCURS, THE APPLICANT WOULD EITHER HAVE TO SUBMIT A SITE PLAN FOR A NEW PROJECT WHICH COMPLIES WITH

S.O.S. OR SUBMIT A SITE PLAN FOR RETAIL USES ONLY THAT WOULD BE GRANDFATHERED FROM S.O.S. AND YOUR THIRD OPTION IS TO UP HOLD THE APPEAL AND APPROVE THE SITE PLAN WITH MODIFICATIONS. FOR EXAMPLE, YOU COULD ADD A NOTE RESTRICTING THE USES TO RETAIL ONLY AND REMOVE THE NOTE, ALLOWING ALL GR USES. I'D BE GLAD TO ANSWER ANY QUESTIONS AT THIS TIME.

Mayor Wynn: THANK YOU, MR. ZAPALAC. QUESTIONS OF STAFF, COUNCIL? IF YOU REMEMBER, OUR FORMAT HERE IS VERY SIMILAR TO THAT OF A ZONING CASE. WE HAVE A REPORT FROM STAFF WHICH MR. ZAPALAC JUST GAVE, AND THEN WE HAVE A FIVE-MINUTE PRESENTATION FROM THE APPELLANT, AND THEN WE'LL HEAR FROM FOLKS WHO WANT TO TESTIFY IN SUPPORT OF THAT APPEAL AND THEN WE'LL HEAR FROM FOLKS IN OPPOSITION OF THE APPEAL, AND A ONE-TIME REBUTTAL BY THE APPELANT. SO WITHOUT ANY QUESTIONS OF STAFF, WE WILL HAVE OUR FIVE-MINUTE PRESENTATION BY THE AGENT.

MAYOR, COUNCIL, THANK YOU. MY NAME IS JERRY HARRIS. I'M WITH BROWN MCCARROLL AND I'M REPRESENTING LUMBER MEN'S INVESTMENTS IN THIS SITE PLAN APPEAL. ANDREW MARTIN OF OUR FIRM AND MILK KEL IMMEDIATE MAY BE ASSISTING ME FROM TIME TO TIME. MAYOR, MAY I ASK YOU A QUESTION ABOUT TIME SHARING? ARE PEOPLE ABLE TO ASSIGN ME SOME TIME? I KNOW SOME PEOPLE HAVE SIGNED UP AND SIGNED THEIR THREE MINUTES TO ME.
>>

Mayor Wynn: LET ME CHECK THAT REAL QUICKLY THEN. TECHNICALLY OUR CODE DOESN'T SET THE FORMAT LIKE OUR CODE SETS THE FORMAT ON THE ZONING CASES, SO ESSENTIALLY THE RECOMMENDATION THAT COMES TO US IS THAT WE FOLLOW THAT SAME FORMAT. COUNCIL, WITHOUT OBJECTION, THERE ARE ONLY THREE OTHER PEOPLE, I THINK, PERHAPS THAT WERE OFFERING TO DONATE TIME TO MR. HARRIS, SO MR. HARRIS, I SEE GARY CHANCELLOR WAS WILLING TO DONATE HIS TIME TO YOU.

YES. HE'S WITH LUMBERMAN'S.

Mayor Wynn: BUT SEVERAL PEOPLE HAVE SIGNED UP

WISHING TO SPEAK AND IN FAVOR, SO I EXPECT YOU STILL WANT THEM TO HAVE THEIR TESTIMONY, CORRECT?

I WOULD REALLY LIKE TO HAVE THEIR TIME.

Mayor Wynn: LET'S SEE. CHRIS RIDER, BARRETT ALLISON, MYRA ALLISON AND DWAYNE ROGERS HAVE SIGNED UP WISHING TO SPEAK IN FAVOR.

MAYOR, I WOULD MAKE A CORRECTION, I WOULD JUST LIKE THE TIME OF BARRETT ALLISON AND MYRA ALLISON IF I COULD HAVE IT.

Mayor Wynn: SO COUNCIL, WITHOUT OBJECTION, I WOULD SUGGEST WE GIVE MR. HARRIS THOSE ADDITIONAL SIX MINUTES, ACTUALLY NINE TECHNICALLY, SO HE WOULD HAVE UP TO 14 MINUTES TO PRESENT THE CASE, KNOWING THAT WE ACTUALLY HAVE NO SPEAKERS SIGNED UP IN OPPOSITION AND KNOWING ONE OTHER SPEAKER WE DIDN'T HEAR FROM, SO IT'S A MODEST AMOUNT OF TIME. CONSIDERING THE COMPLEXITIES OF THE CASE. WELCOME, MR. HARRIS.

THANK YOU, MAYOR, MEMBERS OF THE COUNCIL. APPRECIATE APPEARING BEFORE YOU TONIGHT. I THINK THE STAFF GAVE -- GEORGE GAVE A PRETTY SUCCINCT OVERVIEW OF THE HISTORY HERE. TONIGHT THIS IS A COPY OF THE APPROVED PRELIMINARY PLAT, AND I'D LIKE TO FOCUS ON SEVERAL TRACTS. THIS TRACT HERE IS THE TRACT THAT WE'RE CONCERNED WITH TONIGHT, THAT'S VILLAGE 20 THAT SHOWS RETAIL AS THE USE ON THE PRELIMINARY PLAT. RIGHT DOWN THE STREET IS TRACT 25. IT SHOWS RETAIL AS THE USE ON THE REVISED PRELIMINARY PLAT HERE, AND TRACT 27 RIGHT DOWN THE STREET ALSO SHOWS RETAIL. AS GEORGE SAID, IN 1987 THE CITY COUNCIL DECIDED TO TAKE THIS PROPERTY INTO THE CITY LIMITS. THEY PASSED AN ANNEXATION ORDINANCE THAT ABOLISHED THE M.U.D. WE CONTEND THAT IF YOU ABOLISH THE M.U.D., YOU ALSO ABOLISH THE M.U.D. AGREEMENT, YOU CAN'T HAVE A M.U.D. AGREEMENT AND YOU CAN'T HAVE A LAND USE PLAN SINCE YOU ABOLISHED THE M.U.D. THE CITY RECOGNIZED THAT BECAUSE THEN IN 1998, SINCE THERE WAS NO LAND PLAN, M.U.D. LAND PLAN

TO FOLLOW, THE CITY COUNCIL ZONED THE ENTIRE AREA. THE FIRST PAGE OF EXHIBIT A IN THE ZONING ORDINANCE IS A COPY OF THE M.U.D. LAND PLAN. THE CITY COUNCIL KNEW THAT THERE HAD BEEN A LAND PLAN, THEY KNEW THEY HAD ANNEXED IT, AND THE CITY COUNCIL ON ITS OWN INITIATIVE WENT THROUGH AND ZONED EVERY ONE OF THESE TRACTS WITH GREAT DETAIL. TO REPLACE THE LAND PLAN. THIS PARTICULAR TRACT, AS GEORGE SAID, THEY ZONED GR, GENERAL RETAIL, CO. IT'S TRACT 33 IN THE ZONING ORDINANCE. [ONE MOMENT, PLEASE, FOR CHANGE IN CAPTIONERS] ON THE VERY TRACT THAT WE ARE UP HERE TONIGHT ON ON THE SITE PLAN APPEAL, THE CITY APPROVED THE SAME SITE PLAN AND PERMITTED OFFICE AND RETAIL. WITHOUT ANYONE SAYING THAT WE HAD LOST OUR GRANDFATHERRING FOR SOME REASON. WE WERE TOTALLY CONSISTENT WITH THE ZONING THEN. WE ARE TOTALLY CONSISTENT WITH THE ZONING NOW. ALSO IN 1998 ON TRACT 25, JUST DOWN THE STREET, WHICH SHOWS RETAIL IN 1998 THE CITY APPROVED A SITE PLAN FOR TOWNHOMES. CONSISTENT WITH THE ZONING NOT CONSISTENT WITH ANY FORMER M.U.D. LAND PLAN AND WE COMPLIED WITH THE WILLIAMSON COUNTY ORDINANCE AND WITH THE ZONING FOR THE TRACT. LIKewise ON TRACT 27, 1998 A SITE PLAN WAS APPROVED FOR A DAYCARE CENTER, NOT FOR RETAIL. AND NO NO ONE SAID WE HAD LOST OUR GRANDFATHERRING, WE COMPLIED WITH THE WILLIAMSON COUNTY ORDINANCE. THIS IS ALL CONSISTENT WITH THE ACTIONS TAKEN BY THE CITY BY COLLAPSING THE M.U.D., ABOLISHING THE M.U.D. AND THEREFORE BY IMPLICATION AND BY DIRECT ACTION BYPASSING ORDINANCES IMPLEMENTED A NEW LAND IN OTHER WORDS ZONING FOR THIS ENTIRE PROJECT AND WE HAVE COMPLIED WITH ALL OF THOSE. FOR THE FIRST TIME IN 2005 WE COME IN WITH THE SAME SITE PLAN THAT WE HAD GOTTEN APPROVED IN 1998 BECAUSE IT HAS EXPIRED BECAUSE THE MARKET DIDN'T ALLOW THE PROJECT TO PROCEED. AND FOR THE FIRST TIME IN THE HISTORY OF THIS MIXED USE PROJECT, 640 ACRES, FROM TIME TO TIME, THE OLD M.U.D. LAND PLAN SHOWED OFFICE HERE, OFFICE THERE, FOR THE FIRST TIME, THE CITY SAYS THAT WELL THIS IS A NEW PROJECT. WE THINK THAT'S INCONSISTENT WITH PAST ACTIONS. IT'S INCONSISTENT WITH WHAT THE ZONING DETAIL

CONDITIONAL OVERLAY ZONING ALLOWS FOR US TO DO. AND WE THINK THAT IT'S INCONSISTENT WITH STATE LAW 1704 REGARDING THE PROTECTION OF OUR GRANDFATHERING ON THIS PARTICULAR TRACT. I THINK IT'S IMPORTANT TO REMEMBER THAT THE CITY ONCE THEY TOOK THIS OVER, PASSED DETAIL ZONE ORDINANCES, THEY HAD THE OLD LAND USE MAP THAT WAS GOING AWAY AS THE PAGE ONE ON EXHIBIT A OF THE ZONING ORDINANCE, IF THE CITY COUNCIL HAD INTENDED TO RESTRICT OFFICE FROM THIS TRACT, I BELIEVE THAT THAT WAS REQUIRED BY A M.U.D. LAND PLAN THEY WOULD HAVE SURELY CONTAINED IN THE CONDITIONAL OVERLAY OF TRACT 33 NO OFFICE. THEREFORE, WE THINK ALL OF THOSE FACTS SUPPORT THIS SITE PLAN SHOULD BE APPROVED AS SUBMITTED AND AS SUPPORTED BY THE NEIGHBORHOOD WITH OFFICE AND I'LL QUIT NOW AND I'LL BE GLAD TO ANSWER ANY QUESTIONS THAT YOU MIGHT HAVE.

Mayor Wynn: THANK YOU, MR. HARRIS, QUESTIONS OF MR.

Mayor Wynn: COUNCIL? IF NOT LET'S HEAR FROM THE REST OF THE SPEAKERS, THEN WE WILL PROBABLY HAVE QUESTIONS COME UP. THANK YOU, MR. HARRIS. SO OUR NEXT SPEAKER IN FAVOR OF THE APPEAL IS CHRIS RIDER. WELCOME, CHRIS, YOU WILL HAVE THREE MINUTES. EITHER PLACE WOULD BE FINE. THAT'S FINE, YOU WILL BE FOLLOWED BY DUANE RODGERS.

I DON'T THINK ALL USE ALL THREE MINUTES. GOOD EVENING, MY NAME IS CHRIS RIDER, MY BACK YARD ABUTS ABOUT NOW, 10 ACRES OF CITY PROPERTY THAT SURROUNDS THIS TRACT. I CAN LITERALLY THROW A ROCK AT THE FOUR ACRES IN QUESTION FROM MY BACK PORCH. I LIVE CLOSER TO IT THAN ALL BUT I THINK FOUR HOUSEHOLDS IN THE CITY BASICALLY. I WOULD LIKE YOU TO VOTE TO ALLOW LUMBERMEN'S TO BUILD THE OFFICE BUILDING THERE INSTEAD OF EVEN MORE RETAIL IN THE AREA. I LIKE THE OCCASIONAL SMELL OF MY NEIGHBORS BARBECUES WAFTING ALONG THE EDGE OF THAT ALL OF THAT LAND. I DON'T CARE THAT I WOULD LIKE THE SMELL OF FRIED GREASE, GASOLINE, WHATEVER ELSE. WHEN I MOVED IN 17 MONTHS AGO THERE WAS A COUPLE OF SCIENCE INDICATING THAT IT WOULD BE AN OFFICE BUILDING THERE.

ALL OF MY NEIGHBORS THOUGHT IT WOULD BE AN OFFICE BUILDING. WE ALL PREFERRED IT THAT WAY. IT'S BETTER FOR TRAFFIC FOR THE NEIGHBORHOOD, WE DON'T NEED ANY MORE RETAIL, THERE'S PLENTY SURROUNDING IT. YOU SEE IT ON THE MAP. IT'S BETTER FOR MY FAMILY'S BACK YARD. YOU KNOW THE FAST FOOD DRIVE THROUGH SPEAKERS THAT YOU HEAR BLASTING AWAY FROM THREE CARS BACK IN LINE, I DON'T WANT TO HEAR THAT FROM MY BACK YARD, MY BACK PORCH EVENINGS AND WEEKENDS. I DON'T KNOW IF IT'S PLANNED TO BE A WENDY'S, NO OFFENSE, BUT RETAIL WILL BE OPEN A LOT LONGER THAN AN OFFICE BUILDING, IT WILL IMPACT MY WEEKENDS, EVENINGS, AN OFFICE BUILDING IS NOT GOING TO DO THAT SO MUCH. TRAFFIC IS ANOTHER ISSUE. MY WIFE I BELIEVE SENT E-MAIL TO ALL OF YOU TODAY. EXPRESSING A PARTICULAR CONCERN. MY HOMEOWNERS ASSOCIATION ALSO EXAMINED THE ISSUE. THEY SENT OUT PAGES A COUPLE OF DAYS TO THE 100 SOME ODD HOUSES IN THE AREA. THEY ALSO WOULD REALLY PREFER TO SEE AN OFFICE BUILDING USE RATHER THAN MORE RETAIL, WHICH I THINK A LOT OF US, I HAVE SAID IT A COUPLE OF TIMES ALREADY WE DON'T THINK WE NEED MORE OF IN THE AREA. THAT'S REALLY IT. THANK YOU FOR YOUR TIME, PLEASE VOTE TO ALLOW LUMBERMEN'S TO GO FORWARD WITH OFFICE RATHER THAN RETAIL THAT NONE OF US WERE EXPECTING, UNLESS YOU THINK THAT YOU CAN, YOU KNOW, KEEP THE TREES GROWING FOR A WHILE LONGER. THAT MIGHT BE BEST. BUT I REALLY WOULD PREFER OFFICE BUILDING TO RETAIL. THANK YOU VERY MUCH.

THANK YOU, MR. RIDER. OUR NEXT SPEAKER IS DUANE RODGERS. WELCOME. YOU WILL HAVE THREE MINUTES.

THANK YOU MAYOR AND COUNCIL AND CITY STAFF. I AM DUANE RODGERS, IENL THE PRESIDENT OF THE NEW VILE LARGES AT WESTERN OAKS HOMEOWNERS ASSOCIATION THAT CHRIS JUST MENTIONED. HE DID A GREAT JOB. HE'S PRETTY MUCH GIVEN MY SPEECH FOR ME. BUT LET ME JUST TELL YOU, YOU KNOW, WHY ARE WE AS A NEIGHBORHOOD IN FAVOR OF LUMBERMEN'S DEAL? LIKE CHRIS MENTIONED, I THINK NUMBER ONE TRAFFIC IMPACT. IN GENERAL RETAIL USE IS GOING TO HAVE MORE TRAFFIC IMPACT THAN AN OFFICE USE. THIS IS A PARTICULAR CONCERN TO US AS A

NEIGHBORHOOD BECAUSE THAT AREA YOU ARE GOING ALONG MOPAC SOUTH, YOU TAKE THE DAVIS LANE EXIT, THERE IS NO -- NO ACCESS ROAD THERE, THAT WAS DONE FOR ENVIRONMENTAL CONCERNS AND THAT'S A GOOD THING. BUT WHAT YOU HAVE IS AN IMMEDIATE EXIT THAT DUMPS INTO A STOP SIGN, OUR CONCERN IS THAT THE INCREASED TRAFFIC TRYING TO ACCESS RETAIL USE IS GOING TO CAUSE FRANKLY A JAM UP ON THAT EXIT AND IMPACT MOPAC SOUTH AND IMPACT OUR ABILITY TO USE ONE OF THE TWO MAIN ENTRANCES TO OUR NEIGHBORHOOD. NUMBER TWO, CHRIS MENTIONED SEVERAL TIMES THAT WE HAVE ENOUGH RETAIL IN THE AREA. THE REASON FOR THAT IS THAT THERE'S A NEW DEVELOPMENT CALLED ESCARPMENT VILLAGE GOING IN AT THE CORNER OF SLAUGHTER AND HE IS SCARMMENT, WHICH PROVIDES HE IS SCARMMENT WHICH -- HE IS WHICH PROVIDES QUITE A BIT OF RETAIL. WE ARE HAPPY WITH IT, IT SUPPLIES THE RETAIL NEEDS THAT OUR NEIGHBORHOOD DOES HAVE. WE DON'T BELIEVE THAT -- THAT WE HAVE A NEED FOR ADDITIONAL RETAIL IF -- IF LUMBERMEN'S PREFERS TO DEVELOP THE OFFICE, IF THE NEIGHBORS PREFER THAT, THAT WOULD BE GREAT. ALSO, AGAIN AS CHRIS MENTIONED VERY WELL AN OFFICE USE WE BELIEVE, ESPECIALLY BECAUSE LUMBERMEN'S HAS BEEN VERY GOOD, WORKED WITH US IN THE PAST, WE BELIEVE THAT IT WILL GENERATE LESS NOISE POLLUTION, LESS LIGHT POLLUTION, WE BELIEVE THAT WE COULD SCREEN AN OFFICE USE IN A WAY THAT IT WOULD CAUSE LESS OF AN IMPACT ON OUR NEIGHBORS. THAT'S REALLY KIND OF THE BOTTOM LINE. SO FINALLY I GUESS THE LAST POINT TO MAKE IS I THINK IF LUMBERMEN'S IS FACED WITH A CHOICE BETWEEN A GRANDFATHERED RETAIL AND A NON-GRANDFATHERED OFFICE, THEY WILL, YOU KNOW, THEY WILL PROBABLY CHOOSE THE RETAIL USE, SO I DON'T THINK -- I THINK EITHER WAY YOU ARE GOING TO HAVE AN IMPERVIOUS COVER IMPACT AND IF -- APPROXIMATE THAT IS A WASH, WHICH I BELIEVE IN THE END IT WILL BE, IF -- IF YOU VOTE DOWN THEIR APPEAL, THEN WE ARE GOING TO END UP WITH A USE WITH THE SAME AMOUNT OF IMPERVIOUS COVER OR AT LEAST A SIMILAR AMOUNT OF IMPERVIOUS COVER, BUT A USE THAT THE NEIGHBORS DON'T FAVOR. GIVEN THOSE TWO ALTERNATIVES, THE NEIGHBORHOOD

WOULD REALLY PREFER TO HAVE AN OFFICE USE AND A USE THAT WOULD IMPACT US LESS NEGATIVELY. SO I GUESS THANK YOU FOR YOUR TIME TONIGHT. I WOULD ASK YOU TO VOTE IN FAVOR AND TO APPROVE LUMBERMEN'S APPEAL TO SUPPORT OUR NEIGHBORHOOD, TO FAVOR THE PRINCIPLE OF LOCAL CONTROL AND TO GRANT THIS REQUEST. IF YOU HAVE ANY QUESTIONS I WOULD BE HAPPY TO ANSWER IT.

THANK YOU, MR. RODGERS. SO COUNCIL THAT'S ALL OF THE FOLKS WHO SIGNED UP WISHING TO SPEAK IN FAVOR OF THE APPEAL, THERE'S NO CITIZENS HERE IN OPPOSITION OF THE APPEAL. TYPICALLY MR. HARRIS WOULD HAVE A REBUTTAL OF THOSE FOLKS IN OPPOSITION. THERE ARE NONE. MR. HARRIS YOU ARE WELCOME TO GIVE A CLOSING STATEMENT PERHAPS.

THANK YOU, MAYOR. I WOULD LIKE TO SAY ONE FURTHER THING. JUST TAKE A BRIEF MOMENT IF I CAN PULL OUT THE CORRECT EXHIBIT HERE. MAYBE YOU COULD GIVE ME A HAND HERE.

THE EXHIBIT I'M LOOKING AT HERE MAYOR AND COUNCIL, IT IS THE -- THE CITY APPROVED REVISED PRELIMINARY PLAN. DATED MAY 11th, 1993. THIS REVISED PRELIMINARY PLAN ONCE AGAIN IT SHOWS VILLAGE 20, THE ONE WE ARE HERE TODAY, AS RETAIL. RIGHT ACROSS THE STREET, THIS REVISED APPROVED PRELIMINARY PLAN SHOWS OFFICE. AN OFFICE SITE. OF -- OF FOUR PLUS SOME ACRES, 30,400 SQUARE FEET. DOWN ON THE NEXT CORNER, SECTION 25, IT SHOWS OFFICES, 50,400 SQUARE FEET. THIS IS A CITY-APPROVED DOCUMENT. LISTENING TO THE CITY EARLIER SAYING WELL THOSE SITES WERE RETAIL, HOW IS IT THAT THE CITY APPROVES THEM FOR OFFICE A PRELIMINARY PLAN? THEN HOW IS IT THAT THEY APPROVE IT FOR A SITE PLAN FOR TOWN HOMES WHEN IT SAYS OFFICE? WHEN WE COME IN AND WANT TO SHOW OFFICE IN THE RETAIL, THEY SAY NO. WHEN WE DO DAYCARE ON A RETAIL, THEY SAY YES. THE FIRST TIME WE COME IN, IN 1998, THEY SAY YES TO OFFICE ON THE RETAIL SITE BECAUSE IT'S CONSISTENT WITH THE ZONING. ALL OF THESE OTHERS WERE. AS IT ENDS UP, AS I JUST STATED THE 50,400 SQUARE FEET OFFICE PROJECT, TURNED INTO UP TOWNHOMES, SO THERE WON'T BE ANY OFFICE THERE. THE 30,400 SQUARE FOOT OFFICE

SITE BECAME A PARK AND A KARST PRESERVE, THEY WON'T BE ANY OFFICE THERE. LOOKING AT THIS, ALL THAT WE'RE DOING IS SHIFTING SOME LEVEL OF THAT OFFICE THAT WAS SHOWN AS PART OF THIS PROJECT OVER TO THIS LITTLE FOUR ACRE SITE. AND ONE TIME THAT WAS APPROVED BY THE CITY IN 1998. SO IT'S HARD FOR LUMBERMEN'S TO UNDERSTAND GIVEN ALL OF THOSE FACTS, THE FACTS THAT THEY HAVE THE ZONING, THE M.U.D. LAND PLAN IS GONE, WHY THEY ARE HAVING TO APPEAL THIS, BUT WE HAVE AND WE ARE ASKING YOU TO APPROVE OUR SITE PLAN FOR ALL OF THE REASONS THAT WE HAVE STATED AS BEING CONSISTENT WITH CITY'S DOCUMENTS, WITH THE CITY'S ZONING, AND CONSISTENT WITH THE 1704. THANK YOU VERY MUCH. I STAND READY TO ANSWER ANY ADDITIONAL QUESTIONS.

THANK YOU, MR. HARRIS. COUNCIL, THAT ESSENTIALLY CONCLUDES THE PUBLIC HEARING PORTION OF THIS APPEAL. COMMENTS, QUESTIONS OF STAFF OR APPLICANT OR NEIGHBORS? COUNCILMEMBER ALVAREZ?

Alvarez: MR. HARRIS? YOU MENTIONED THE -- THE TRACT, I GUESS IT'S ADJACENT TO THE TRACT IN QUESTION. THAT WAS CONVERTED INTO A PARK? THERE WAS SUPPOSED TO BE SOME KIND OF COMMERCIAL, ZONED FOR SOME KIND OF COMMERCIAL USE AND WAS SUBSEQUENTLY -- WAS IT SOLD OR DONATED OR -- HOW DID THAT --

I THINK MARY ELLIS CAN TELL ME THE DETAILS OF THAT. OF WHAT HAPPENED TO IT.

IT WAS DONATED. IT WAS GIVEN. THIS IS BARRY ELLISON.

I'M BARRY ELLISON. THIS PROPERTY WAS, CONSTRUCTION HAD BEGUN ON IT. DURING THE CONSTRUCTION PROCESS A CAVE WAS UNEARTHED THAT HAD NO SURFACE EXPRESSION TO IT. ABOUT THE SIZE OF A TWO CAR GARAGE AND OVER A PERIOD OF A YEAR WE AGREED TO DONATE THAT TO THE CITY'S KARST PRESERVE DEAL AND FOREGO THE OFFICE THAT WAS PLANNED ON IT. THAT HAPPENED ABOUT TWO YEARS AGO.

THAT WAS HOW BIG OF A -- OF A TRACT? YOU KNOW HOW

BIG -- HOW MANY ACRES -- IF THEY WERE CONSIDERING --
THE TRACT THAT WE ARE CONSIDERING THE SITE PLAN FOR
TODAY IS HOW BIG IF.

[INDISCERNIBLE] SOME ACRES.

THANK YOU.

YOU'RE WELCOME.

COUNCILMEMBER KIM?

Kim: I WOULD ASK THE STAFF, MR. ZAPALAC IF YOU CAN
ANSWER QUESTIONS ABOUT THINGS MR. HARRIS
MENTIONED, THE CHANGES, USES FOR THE OTHER TRACTS,
WHY THAT WAS I GUESS ALLOWED AT THAT TIME.
COUNCILMEMBER, THE -- THOSE CHANGES ALL OCCURRED
FOR A PERIOD OF ABOUT 1998 AND AT THAT TIME THE CITY
WAS OPERATING UNDER A -- A DIFFERENT ORDINANCE
THAT'S CALLED THE INTERIM DEVELOPMENT ORDINANCE
WHICH WAS THE CITY'S ATTEMPT TO CREATE ITS OWN
GRANDFATHERRING PROVISION. WHAT HAD HAPPENED WAS
THAT THE STATE LAW GOVERNING GRANDFATHERRING HAD
BEEN INADVERTENTLY REPEALED AND SO THE CITY
DEVELOPED ITS OWN ORDINANCE TO -- TO UNDRESS WHAT
WE FELT WAS REASONABLE GRANDFATHERRING
PROVISIONS. AND SO THOSE CASES WERE ALL APPROVED.
MY UNDERSTANDING IS THERE WAS A ONE YEAR GRACE
PERIOD FOR -- FOR SITE PLANS THAT WERE IN THE PROCESS
ALREADY AT THAT TIME. AND SO -- SO I'M NOT -- I'M NOT
SURE THAT I CAN EXPLAIN ALL OF THE DETAILS OF WHY
THOSE PLANS GOT APPROVED, BUT THE FACT THAT WE
WERE UNDER THAT -- UNDER A DIFFERENT ORDINANCE I
THINK WAS THE PRIMARY REASON. STAFF INTERPRETED THE
-- THE REQUIREMENTS DIFFERENTLY AT THAT TIME.

Kim: DURING THAT PERIOD OF TIME THERE WAS AN INTERIM
ORDINANCE WHICH ALLOWED FOR THE COUNCIL TO PERMIT
THOSE CHANGES? AND IF -- IF THERE WASN'T THE INTERIM
ORDINANCE IN PLACE THEN THEY WOULD HAVE NOT BEEN
ALLOWED BECAUSE THE LATEST PLAT WOULD HAVE APPEAR
APPLIED WHICH CAN'T ALLOW OFFICE I GUESS BECAUSE
THERE WAS A CHANGE I GUESS FROM OFFICE TO ANOTHER

USE, RIGHT IF.

CORRECT. IF WE WERE LOOKING AT IT THE WAY WE WOULD LOOK AT IT TODAY UNDER THE STATE LAW, THAT WE ARE OPERATING UNDER, THEN I DON'T THINK WE WOULD HAVE APPROVED THE CHANGES AT THAT TIME.

WHAT IS THE DID IT OF THE LATEST PLAT THAT -- THAT -- IS IT 1995, THE REVISED PLAT.

THE REVISED PRELIMINARY PLAN IS FROM 1993. THE FINAL PLAT I WILL HAVE TO CHECK ON THAT DATE.

[INDISCERNIBLE]

ACTUALLY THE FINAL PLAT ON THIS PARTICULAR PIECE OF PROPERTY WAS APPROVED IN 1985. SO THEY DID NOT CHANGE EVEN THOUGH THE PRELIMINARY PLAN LATER CHANGED FOR SOME OF THE OTHER TRACTS.

WAS THE LAST LANDS USE PLAN THAT WAS ADOPTED IN 1995, RIGHT? THE LAND USE PLAN APPROVED?

YES, 1995 THERE WAS A CHANGE TO THE LAND PLAN.

LOOKING AT THAT LAND PLAN, WHAT IS THE AMOUNT FOR THE DIFFERENT USES? RETAIL AND OFFICE? SPECIFICALLY. THE PLAN INDICATES NO ACREAGE FOR OFFICE AND ABOUT - - ABOUT 23 ACRES FOR RETAIL. THEN THERE ARE VARIOUS OTHER USES, RESIDENTIAL, FIRE STATION, OPEN SPACE, ET CETERA. BUT THERE WAS NO ACREAGE AT ALL SHOWN FOR OFFICE ANYWHERE IN THE M.U.D. AT THAT TIME.

OKAY.

SO MR. ZAPALAC THEN -- THEN AS I -- AS I TRY TO UNDERSTAND THIS, SO WHEN THE CITY THEN ZONED THE PROPERTY, ESSENTIALLY BECAUSE THEY KNEW IT WAS GOING AWAY, THEY HAD TO ACTUALLY AS SOMEBODY CHARACTERIZE IT, GO IN AND VERY CAREFULLY ZONE EACH OF THESE TRACTS AS MUCH AS POSSIBLE, CORRESPOND TO THAT ORIGINAL PLAN, AND IF -- IF -- SAY GR WAS -- THIS PROPERTY WAS ZONED GR, WHY WOULDN'T THERE HAVE

BEEN A RESTRICTIVE COVENANT THAT WOULD JUST -- THAT WOULD JUST -- WHY WOULDN'T THIS ZONING, YOU KNOW, FOLLOW THAT ORIGINAL NOTATION, WHEN IT GETS ZONED, WHY NOT ZONE IT GR WITH A NOTATION NO OFFICE? OR ANY OTHER RESTRICTIONS THAT MAY -- MAY APPLY.

WELL, I THINK THAT -- THAT WHEN THE PROPERTY WAS ZONED WE WERE LOOKING AT THE APPROPRIATE LAND USES AND WE DID USE THE LAND PLAN AS THE -- AS THE GUIDE AND FOLLOWED IT FAIRLY CLOSELY. I THINK FROM STAFF'S STANDPOINT IS NOT INAPPROPRIATE AT THIS LOCATION, OFFICE OR RETAIL WOULD BE APPROPRIATE, THE REAL QUESTION, THOUGH, IS WHETHER THE PROPERTY SHOULD BE GRANDFATHERED BACK TO 1985, IF -- IF IT CHANGED FROM THE USES THAT WERE ORIGINALLY ESTABLISHED, THE ORIGINAL PROJECT THAT -- THAT -- THAT WAS CONTEMPLATED AT THIS LOCATION WAS RETAIL, EVEN THOUGH OFFICE MIGHT BE APPROPRIATE THERE SHOULD THAT -- SHOULD THAT CHANGE OF YOUSEF THE SAME GRANDFATHERING RIGHTS AS -- AS A PROJECT THAT WAS - - THAT COMPLIED WITH THE ORIGINAL LAND PLAN AND SHOWED RETAIL ONLY.

Mayor Wynn: SO WHEN THE APPLICANT TALKS ABOUT THAT ALL SUBSEQUENT CITY OF AUSTIN APPROVALS APPEARED TO HAVE LOOKED AT THE ZONING OR THE -- OR THE APPROVAL, WHAT YOU ARE SAYING IS THAT -- THAT FOR THE LAND USE STANDPOINT, YES. BUT THAT -- ON THE TECHNICALITIES OF GRANDFATHERING, WHICH FUNDAMENTALLY GOES BACK TO WATER QUALITY PROTECTION STANDARDS, SORT OF IRRELEVANT THAT THE CITY WAS -- THAT THE CITY LOOKED AT ZONING FOR ALL SUBSEQUENT APPROVALS BUT -- THE WAY THE PROCESS WORKS DIDN'T HAVE TO LOOK BEYOND THAT. AND NEVER HAD TO ADDRESS EXISTING GRANDFATHERING RIGHTS.

CORRECT. THE -- THE ZONING DOES ESTABLISH THE USES AND THE GENERAL SITE DEVELOPMENT REGULATIONS THE GRANDFATHERING RING ESTABLISHES PRIMARILY THE WATER QUALITY REQUIREMENTS THAT WOULD APOO AAPPY OR THE DATE OF THE REGULATIONS THAT WOULD APPLY. THAT PRIMARILY PERTAINS TO WATER QUALITY BECAUSE THOSE ARE THE REGULATIONS THAT HAVE

CHANGED AND EVOLVED OVER THE YEARS. SO WE WOULD LOOK TO THE ZONING ORDINANCE FOR THE USES THAT ARE PERMITTED BUT IN TERMS OF WHETHER THE PROPERTY IS SUBJECT TO CURRENT WATER QUALITY REGULATIONS OR NOT WE LOOK TO WHETHER CONTINUING PROJECT HAS BEEN ESTABLISHED OVER A NUMBER OF YEARS THROUGH PERMITTING, PRIOR PERMITTING THAT THE CITY HAS GRANTED.

FURTHER QUESTIONS, COMMENTS?

COUNCILMEMBER DUNKERLY?

Dunkerly: WELL I HAVE A FRUSTRATING COMMENT MAYBE. I THINK IN THESE SITUATIONS VIRTUALLY ALL OF US, INCLUDING THE NEIGHBORHOOD, WOULD LIKE TO FIGURE OUT SOME WAY TECHNICALLY TO GET [INDISCERNIBLE] FOR THIS SITE. I WONDER IF PERHAPS THE -- PERHAPS WE COULD ASK THE CITY ATTORNEY IF -- IF THERE'S A WAY WE CAN GET THERE. GET OVER THE TECHNICAL HURDLE. 7.

WE UNDERSTAND THAT IN ESSENCE THE OFFICE MAY BE BETTER SUITED TO THIS TRACT. WE ARE NOT SAYING THAT YOU CAN'T DO OFFICE. WHAT WE ARE SAYING IS, WHAT THE STAFF IS SAYING, IN EVALUATING WHETHER OR NOT THERE WAS A CONTINUING PROJECT AND A CONTINUING INTENT TO DO OFFICE ON THIS TRACT, ALL OF THE EVIDENCE THAT WE HAVE AND WE HAVE RECEIVED NO CONTRARY EVIDENCE FROM THE APPLICANT, INDICATES THAT OFFICE WAS -- IF YOU ARE LOOKING FOR GRANDFATHERRING, BACK TO 1985, AND IN ORDER TO ESTABLISH THE RIGHT TO GRANDFATHERRING, YOU HAVE TOP [INDISCERNIBLE] WHAT YOU ARE PROPOSING TODAY IS THE PROJECT THAT YOU WERE DOING IN 1985 AND THERE IS A DISCONNECT HERE. IT IS NOT THE SAME PROJECT. THAT'S THE EVIDENCE THAT WE HAVE. AND IT IS AS MR. ZAPALAC SAYS, IT'S NOT THAT WE ARE NOT SAYING YOU CAN'T DO -- YOU CAN'T DO THIS PROJECT. THE ZONING IS GOING TO ALLOW YOU TO DO IS UNDER GENERAL RETAIL. IT'S JUST THAT YOU MUST DO IT UNDER CURRENT CODE. THAT'S IT IS DILEMMA WE ARE IN. CURRENT CODE OFFICE DEVELOPMENT THERE. SO I THINK WHAT -- WHAT I WOULD LIKE TO TRY TO ACCOMPLISH, I THINK THAT I HAVE HEARD SOME INDICATIONS ABOUT THAT

ON THE DAIS HERE IS -- IS YOU KNOW HOW DO WE COMPENSATE THAT VALUE? HOW DO YOU -- ARE THERE SOME OTHER IDEAS THAT IF YOU ARE TELLING US WHAT WE HAVE -- WHAT WE NEED TO MAKE NOW IS A LEGAL DECISION, NOT A LAND USE DECISION, THEN IS THERE A ADDITIONAL DIRECTION PERHAPS THAT WE COULD GIVE THAT ACCOMPLISHES THAT GOAL? THAT IS ENABLE ESSENTIALLY THE VALUE OF AN OFFICE DEVELOPMENT THERE TO TAKE PRECEDENCE OVER THE VALUE OF A GRANDFATHER RETAIL DEAL?

ONE OF THE SUGGESTIONS THAT HAS BEEN MADE IS PERHAPS THERE IS QUITE A BIT OF -- OF SURROUNDING PARKLAND AND BY THAT THE PARKLAND IS IN OTHER AREAS, THAT IS IT IS ACROSS A COUPLE OF ROADS. THERE HAS BEEN A QUARTERRY, A SUGGESTION -- A QUERY, A SUGGESTION, THAT PERHAPS MAYBE THERE COULD BE SOME TRANSFER OF DEVELOPMENT RIGHTS THAT WOULD ALLOW -- THAT WOULD ALLOW THEM TO PROCEED WITH AN OFFICE PROJECT. IF THERE IS SOME VALUE THAT -- THAT THE DEVELOPER COULD COME FORWARD WITH, WHICH WOULD ALLOW A QUID PRO QUO OR SOME KIND OF CONSIDERATION FOR TRANSFER OF THOSE DEVELOPMENT RIGHTS, THAT IS SOMETHING THAT WE COULD EXPLORE. WE WOULD HAVE TO LOOK AT WHAT THE IMPACT WOULD BE AND WHETHER OR NOT S.O.S. WOULD BE A -- EFFECTIVE, BUT IT IS CERTAINLY SOMETHING WE COULD LOOK AT, SOMETHING THAT WE COULD EXPLORE.

Mayor Wynn: WELL BE PERSONALLY I LIKE THAT. IN FACT I THINK COUNCILMEMBER ALVAREZ EARLIER HAD A LINE OF QUESTIONING ABOUT SORT OF THE DONATION OR I GUESS THE VALUE OR THE DEVELOPMENT RIGHTS THAT PERHAPS HAD BEEN ON THAT KARST PRESERVE SITE. THAT -- THAT YOU KNOW I PRESUME THEY HAVE GONE AWAY. SO THERE MIGHT BE, I WOULD LIKE TO INVESTIGATE THE ABILITY TO -- TO YOU KNOW KEEP US IN THE BOX THAT WE ARE IN AS FROM A LEGAL STANDPOINT AND ALLOW US TO MAKE A DECISION THAT WE ARE PROBABLY GOING TO BE ADVISED TO MAKE. BUT THAT WE STILL HAVE THE NET EFFECT OF CHANGING LAND USE, SEEMS TO BE EVERYBODY'S GOAL.

MAYOR, THERE ARE -- WHEN YOU LOOK AT THE MAP THAT IS

-- THAT IS ON THE SCREEN THERE ARE SEVERAL AREAS. THERE IS THE CRARS PRESERVE, WHICH -- KARST PRESERVE WHICH IS -- GEORGE, IF YOU COULD HELP ME AND POINT TO THIS. SOMEONE POINT TO THIS, THE CRARS KARST AREA. THE KARST TRACT. THAT PIECE, THEN GO NORTH OF THAT, THERE'S ANOTHER PARK THAT'S DIRECTLY ACROSS THE STREET AND IF YOU GO FURTHER NORTH, NOT INCLUDED IN THE M.U.D. IS THE DICK NICHOLS PARK. PARK AREA THERE. SO THERE ARE SEVERAL POSSIBILITIES IN THE AREA DEPENDING ON WHAT WE COULD DO IN TERMS OF EXCHANGING VALUE FOR THE DEVELOPMENT RIGHTS ALL FOR THOSE VARIOUS PIECES. I DON'T -- I CAN'T TELL YOU WHAT'S AVAILABLE NECESSARILY. I THINK THAT WE HAVE SOME -- WE HAVE SOME ROUGH DATA NUMBERS. ABOUT WHAT MAY BE AVAILABLE. THE BOTTOM LINE IS THAT THAT AREA IS THERE AND IT IS SOMETHING THAT WE COULD -- WE COULD CONSIDER AND SOMETHING THAT WE COULD TRY AND BRING FORWARD TO COUNCIL FOR COUNCIL TO CONSIDER.

Mayor Wynn: COUNCILMEMBER LEFFINGWELL?

Leffingwell: I AGREE WITH THAT. BUT IF SOMETHING CAN BE WORKED OUT AS FAR AS LAND TRANSFERS, THAT'S REALLY NOT A PART OF THIS QUESTION HERE TONIGHT. BECAUSE AS I UNDERSTAND IT, THIS IS STRICTLY ON APPROVAL OF THE APPEAL AND THIS -- OR APPROVAL OR DENIAL OF THE APPEAL OF THE SITE PLAN; IS THAT CORRECT?

COUNCILMEMBER WHAT YOU HAVE BEFORE YOU IS A STRAIGHT UP QUESTION OF WHETHER OR NOT WHAT SHOULD BE DONE AS FAR AS THE SITE PLAN, THE SITE PLAN IS CONCERNED. HOWEVER, ONCE YOU MAKE THAT DECISION, THAT DOES NOT PREVENT US FROM CONTINUING TO ENGAGE IN DISCUSSIONS WITH THE DEVELOPER AND PURSUING OTHER AVENUES. OKAY.

Leffingwell: FIRST I WOULD SAY THAT I AGREE WITH THE APPLICANT THAT THE PROPERTY IS NOW ZONED FOR EITHER OFFICE OR RETAIL. I ALSO AGREE WITH THE NEIGHBORHOOD THAT OFFICE WOULD BE A MUCH BETTER USE FOR THIS PROPERTY. IF I LIVED OUT THERE, I WOULD WANT THE SAME THING. BUT I ALSO AGREE WITH THE -- WITH

THE DECISION THAT IF DEVELOPED AS OFFICE, GRANDFATHERING RIGHTS DO NOT APPLY. THIS IS WHAT STAFF HAS SAID, THIS WHAT IS THE ZONING AND PLATTING COMMISSION HAS SAID. AND AT LEAST THAT CARRIES ENOUGH WEIGHT WITH ME TO WANT TO UPHOLD THE S.O.S. ORDINANCE IN THIS INSTANCE. AND SO I WOULD MAKE A MOTION TO CLOSE THE PUBLIC HEARING AND TO DENY THE APPEAL.

MAYOR, IT WOULD BE ENTIRELY APPROPRIATE TO DIRECT THE STAFF TO CONTINUE TO EXPLORE IF THE WILL OF THE COUNCIL IS TO ADOPT THIS MOTION, IT IS PERFECTLY APPROPRIATE TO DIRECT THE STAFF TO EXPLORE ALTERNATIVES TO GET THE APPLICANT WHERE THEY NEED TO BE ON THIS TRACT.

Leffingwell: CAN I SAY MY MOTION WOULD IN NO WAY PRECLUDE THAT. IF IT HELPS TO STATE IT IN WRITING, I WOULD BE HAPPY TO AMEND MY MOTION TO THAT EFFECT.

I SECOND THAT.

Mayor Wynn: SO MOTION BY COUNCILMEMBER LEFFINGWELL, SECONDED BY COUNCILMEMBER DUNKERLY TO CLOSE THE PUBLIC HEARING TO DENY THE APPEAL AND TO DIRECT THE CITY STAFF HOWEVER TO -- TO FURTHER ANALYSIS AND DISCUSSIONS WITH -- WITH -- AN OBVIOUS GOAL IN MIND. COUNCILMEMBER ALVAREZ?

YEAH, I'M GOING TO SUPPORT THE MOTION. I DO WANT TO -- ALSO SUPPORT THE -- THE COMMENTS MADE ABOUT -- ABOUT CONTINUING TO WORK TOWARDS A WAY THAT WE CAN ACCOMPLISH SOME OF THE GOALS, THE PARTIES INVOLVED. I THINK BASICALLY WHAT'S BEING SAID HERE TO A CERTAIN DEGREE, WITH THIS DECISION, IS THAT, I MEAN, FOR AN OFFICE PROJECT ANYTHING THAT -- THAT IS BUILT BEYOND I GUESS THE S.O.S. LIMITS WOULD REQUIRE -- WOULD REQUIRE A -- A -- AN AMENDMENT TO S.O.S., IS THAT HOW WE VIEW THAT OR HOW WE TALK ABOUT THAT?

DEPENDING ON THE VARIOUS SCENARIOS THAT ARE LAID OUT, IT COULD VERY WELL INVOLVE AN AMENDMENT TO S.O.S., ESPECIALLY IF WE ARE TRANSFERRING

DEVELOPMENT RIGHTS OFF OF LAND THAT IS SUBJECT TO S.O.S.

Alvarez: SO I THINK THAT WE DON'T OFTEN DO THAT, BUT I DO THINK THAT, YOU KNOW, THIS IS A YOOUNG CASE THAT -- THAT AS WE MOVE FORWARD WORKING THROUGH THE PROCESS, IT MIGHT BE A WAY TO GET TO A SOLUTION THAT - - THAT WORKS FOR THE APPLICANT BUT ALSO THAT GETS THE NEEDED APPROVALS FROM THE CITY COUNCIL AS WELL AS DETERMINED BY OUR STAFF. THANKS, MAYOR.

Mayor Wynn: THANK YOU COUNCILMEMBER.
COUNCILMEMBER DUNKERLY?

Dunkerly: MAYOR I DO SUPPORT THE STAFF WORKING VERY DILIGENTLY TO TRY TO GET SOME OFFICE ON THAT SITE. I THINK THIS IS REALLY A TIME WHEN AT LEAST I AM VERY COMFORTABLE WORKING IN A WAY THAT MAY HAVE TO HAVE AN AMENDMENT TO S.O.S. IN THIS CASE THE OFFICE DEVELOPMENT IS BETTER FOR THE ENVIRONMENT. AND I THINK IT WOULD BE VERY APPROPRIATE TO WORK TOWARDS THAT END.

COUNCILMEMBER? AGAIN WE HAVE A MOTION AND A SECOND ON THE TABLE TO -- TO CLOSE THE PUBLIC HEARING, DENY THE APPEAL, BUT WITH FURTHER DIRECTION TO STAFF. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 5-0 WITH THE MAYOR PRO TEM, COUNCILMEMBER MCCRACKEN OFF THE DAIS. THANK YOU ALL. ITEM NO. 55 IS TO CONDUCT A PUBLIC HEARING REGARDING THE WAIVER OF THE MINIMUM DISTANCE REQUIREMENT FOR A LIQUOR LICENSE.

GOOD EVENING, MAYOR AND COUNCILMEMBERS, I'M LUCY GALLON MAN WITH THE WATERSHED PROTECTION AND DEVELOPMENT REVIEW DEPARTMENT. CASE SPC 05 -- A REQUEST TO WAIVE THE REQUIREMENTS OF SECTION 4-9-4 A OF THE CITY CODE. IT PROHIBITS THE SALE OF ALCOHOLIC BEVERAGES AT A PLACE OF BUSINESS LOCATED WITHIN 300

FEET OF A PUBLIC SCHOOL. THE APPLICANT IS REQUESTING A WAIVER FOR SAO PAL'S RESTAURANT AT BURNET ROAD, IT'S NEAR THE SCHOOL FOR THE BLIND, SECTION 4-9-B OF THE CITY CODE PROVIDE THAT'S WRITTEN CONSENT FROM THE SCHOOL IS SUFFICIENT JUSTIFICATION FOR THE GRANTING OF THE WAIVER REQUEST. A LETTER FROM DR. PHIL HAS THELAND THE SUPERINTENDENT OF THE TEXAS SCHOOL FOR THE BLIND AND VISUALLY IMPAIRED HAS BEEN PROVIDED. THE LETTER INDICATES THAT HE HAS NO OBJECTION TO THE SALE OF ALCOHOLIC BEVERAGES AT THE RESTAURANT. ANSWER ANY QUESTIONS. THARZ THANK YOU, MS. CALLAHAN. QUESTIONS OF STAFF, COUNCIL? IF NOT, ITEM 55 WE HAVE SOMEONE SPEAKER SIGNED UP, JENNIFER GALE SIGNED UP WISHING TO SPEAK.

FOOTBALL, TRACK AND BASEBALL, HAPPY REVEREND MARTIN LUTHER KING, JR. DAY, CITY MANAGER, MAYOR WYNN, COUNCILMEMBERS LEFFING WELL, ALVAREZ, KIM, DUNKERLY. IS 300 FEET FAR ENOUGH FOR THE TEXAS SCHOOL FOR THE BLIND AND VISUALLY IMPAIRED? HOW DOES SOMEONE LEARNING THE USE OF A STICK NEGOTIATE A DRIVER THAT IS WASTED DRIVING DRUNK? WE HAVE NEIGHBORHOOD BARS IN THE AREA, DALLAS NIGHTCLUB, BOWLING ALLEY, NOW 2 ESTABLISHMENTS WITHIN A FEW HUNDRED FEET OF THE TEXAS SCHOOL FOR THE BLIND AND VISUALLY IMPAIRED. FOR YOU FROM PROPERTY LINE TO PROPERTY LINE IT'S THE WIDTH OF THIS AREA WHERE -- WHERE -- WE'RE SPEAKING IN HERE FOR THE CITY COUNCIL, 81 FEET, FROM THE PROPERTY LINE TO THE RESTAURANT. IS THE SUPERINTENDENT GOING TO TAKE RESPONSIBILITY WHEN A YOUNG STUDENT IS INJURED OR DIES? THE AUSTIN POLICE DEPARTMENT HAS HAD A HISTORY OF DWI'S IN THIS AREA. IF YOU ARE GOING TO PASS THIS THEN LET'S MAKE THE RESTAURANT HAVE A ONE DRINK MINIMUM. I'M SORRY, MAXIMUM. OR WE ARE PUTTING OUR CHILDREN IN DANGER. THIS MONDAY LET'S REMEMBER THE DREAM TO LIVE THE DREAM AS THE PHRASE WAS COINED, ON MONDAY MORNING AT 9:00 DOWNTOWN, THANK YOU.

Mayor Wynn: THANK YOU, JENNIFER, THAT'S ALL OF THE CITIZENS SIGNED UP WISHING TO ADDRESS US ON THIS PUBLIC HEARING. IS THERE ANYONE THAT WOULD LIKE TO ADDRESS US ITEM NO. 55, WAIVER OF THE MINIMUM

DISTANCE REQUIREMENT? THANK YOU ALL VERY MUCH. I'M SORRY, MS. CALLAHAN I'M SURE THAT YOU SAID THIS, SO WE HAVE NO SPEAKERS OTHERWISE, INCLUDING THE APPLICANT I GUESS. BUT THE STAFF RECOMMENDATION, OFTENTIMES I THINK THAT WE HAVE A -- WE HAVE A RELATIVE PRECEDENT OF LOOKING TO THE SCHOOL OR SCHOOL SYSTEM TO GIVE US SOME FEED BACK-AND IN THIS CASE DID WE APPROACH THE -- THE SCHOOL HAS NO PROBLEMS.

THE SCHOOL HAS NO PROBLEM SO STAFF TYPICALLY SUPPORTS THE REQUEST. IF THE SCHOOL IS IN AGREEMENT.

RIGHT.

Mayor Wynn: AND THE SCHOOL IS OKAY WITH THIS.

THE SCHOOL IS -- OKAY, THANK YOU.

Mayor Wynn: FURTHER QUESTIONS, COMMENTS, COUNCIL? IF NOT I'LL ENTERTAIN A MOTION ON ITEM 55? 55. MOTION MADE BY COUNCILMEMBER ALVAREZ TO CLOSE THE PUBLIC HEARING AND APPROVE THIS -- THIS WAIVER, I'LL SECOND THAT. FURTHER COMMENTS. HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 5-0 WITH THE MAYOR PRO TEM AND COUNCILMEMBER MCCRACKEN OFF THE DAIS. THANK YOU. COUNCIL THAT TAKE US TO ITEM NO. 56 AND 57, TWO PUBLIC HEARINGS REGARDING FLOODPLAINS. WELCOME, MR. GEORGE OSWALT.

MAYOR, THE FIRST ITEM, NUMBER 56 IS TO CONDUCT A PUBLIC HEARING TO CONSIDER VARIANCE REQUESTS BY DAN AND CHRISTINA SELF TO ALLOW CONSTRUCTION OF AN ADDITION TO A SINGLE FAMILY RESIDENCE AT 4512 AVENUE D IN THE 25 YEAR AND 100 YEAR FLOODPLAINS OF WALLER CREEK AND TO LIMIT THE REQUIREMENT TO DEDICATE A DRAINAGE EASEMENT TO THE FULL LIMIT OF THE 100 YEAR FLOODPLAIN TO EXCLUDE THE FOOTPRINTS OF THE RESIDENCE AND GARAGE APARTMENT. I WOULD LIKE TO

MOVE TO THE OVERHEAD PROJECTOR.

ALL RIGHT. THE APPLICANT'S TO Q TO CONSTRUCT A 950 SQUARE FOOT ADDITION, 24 BY 20 FEET, TO AN EXISTING 985 SQUARE FOOT STRUCTURE IN THE 25 YEAR AND 100 YEAR FLOODPLAINS OF WALLER CREEK TO EXCLUDE THE BUILDING FOOTPRINT FROM THE DRAINAGE EASEMENT DEDICATION TO THE FULL LIMIT OF THE 100 YEAR FLOODPLAIN. THIS IS A LOCATION MAP OF THE SUBJECT PROPERTY. THIS IS THE SUBJECT PROPERTY. HERE'S AVENUE D FROM NORTH TO SOUTH. THIS IS THE CENTER LINE OF WALLER CREEK. THE DARK BLUE AREA IS THE LIMITS OF THE 25 YEAR FLOODPLAIN AND THE LIGHTER AREA IS THE LIMITS OF THE 100 YEAR FLOODPLAIN. THE PROPERTY AND THE STRUCTURES ARE IN BOTH OF THOSE FLOODPLAIN BOUNDARIES. THE CLOSEUP SO YOU CAN SEE MORE DETAIL OF THE PROPOSAL, THIS IS THE LIMITS, THE OUTLINE OF THE EXISTING HOUSE STRUCTURE. THE YELLOW RECTANGLE IS THE AREA OF THE PROPOSED ADDITION AND THERE IS A -- AN EXISTING GARAGE APARTMENT AT THE REAR OF THE APARTMENT, OF THE PARCEL. ALL RIGHT. STAFF IS RECOMMENDING DENIAL OF THE VARIANCE REQUEST BASED ON THE FOLLOWING FINING. IT INCLUDES CONSTRUCTION BOTH WITHIN THE 25 AND 100 YEAR FLOODPLAINS OF WALLER CREEK. BASICALLY PRECLUDES ENCROACHMENT INTO THE FLOODPLAIN, DOES REQUIRE FULL DEDICATION OF EASEMENT ANY TIME ONE HAS A PORTION OF A LOT ON A FLOODPLAIN. SUBSTANTIAL IMPROVEMENT IS PROPOSED. THE PROPOSED IMPROVEMENTS WILL CONSTITUTE AN INCREASE OF MORE THAN 50% IN VALUE ABOVE THE EXISTING STRUCTURE. WHAT MAKES US A -- WHAT MAKES THIS A LITTLE BIT DIFFERENT, THE APPLICANT AGREED TO ELEVATE THE EXISTING STRUCTURE TO ABOVE THE CODE REQUIREMENTS. BUT AGAIN THERE'S SUBSTANTIAL VALUE INCREASE WITHIN THE LIMITS OF THE FLOODPLAIN. NO SAFE DRY ACCESS DURING FLOOD EVENTS. WE HAVE UP TO 2.5 FEET OF WATER IN FRONT OF THE STRUCTURE AT THE 100 YEAR EVENT. 1.3 TO 2.4 FEET OF WATER AROUND THE STRUCTURE. AGAIN THE INCREASE IN SQUARE FOOTAGE WILL INCREASE THE NON-CONFORMITY OF THE EXISTING STRUCTURE BY ALLOWING FOR ADDITIONAL OCCUPANCY IN THE FLOODPLAIN. PROPERTY HARDSHIP CONDITIONS DO

NOT EXIST SINCE THE APPLICANT CURRENTLY HAS ECONOMIC USE OF THE PROPERTY. AND THERE WAS A RECENT FLOOD IN THIS AREA, IN NOVEMBER, OF 2004, WITHIN A COUPLE OF BLOCKS OF THIS -- OF THIS RESIDENCE, WE DID HAVE WATER GET INTO A -- INTO A STRUCTURE AND I HAVE A PICTURE I TOOK IN THAT AREA, I THINK THIS IS ABOUT A -- ABOUT A BLOCK NORTH OF -- OF THIS LOCATION. YOU CAN SEE WHERE THE WATER CAME DOWN THE STREET, FLOATED THIS S.U.V. UP INTO THE YARD. THIS HOUSE IS OBVIOUSLY FLOODED. YOU CAN SEE WHERE THE OCCUPANTS BROUGHT THEIR CARPET AND BELONGINGS OUT INTO THE FRONT AFTER THAT EVENT. THAT CONCLUDES MY PRESENTATION, I WOULD LIKE TO TAKE ANY QUESTIONS THAT YOU MIGHT HAVE.

THANKS MR. OSWALD. QUESTIONS OF STAFF, COUNCIL? IF NOT WE CAN GO TO OUR SPEAKERS. DANIEL SELF, WELCOME, DANIEL AND CHRISTINA HAS OFFERED HER TIME TO YOU, SO YOU WILL HAVE UP TO SIX MINUTES IF YOU NEED IT. WELCOME.

THANK YOU FOR CONSIDERATION OF MY WIFE AND I'S REQUEST FOR A VARIANCE. I WOULD ALSO LIKE TO THANK ALL OF THE ENGINEERS AND PLANNERS AT THE CITY WHO HAVE BEEN WONDERFUL DURING THIS WHOLE PROCESS. I HAVE ALSO SUBMITTED A LETTER OUTLINING OUR ARGUMENTS IN FAVOR OF THE VARIANCE, WHICH ALSO HAS AN ENCLOSED ORDINANCE WHICH WAS PASSED IN 2000 FOR VERY SIMILAR CONSTRUCTION PROJECT IN WALLER CREEK THAT WAS BUILT ENCROACHING THE 25 AND 100 YEAR PLAINS. MY WIFE AND I BOTH LOVE LIVING AND WORKING IN THE CITY OF AUSTIN. I'M AN AUSTIN FIREFIGHTER. MY WIFE WORKS FOR THE TEXAS GENERAL LAND OFFICE. AND WE ARE STARTING TOP -- WE ARE IN THE PROCESS OF PLANNING A FAMILY AND WE NEED A LARGER HOUSE. AND UNLIKE THE VARIANCE REQUESTS OF ADDITIONS IN FLOODPLAINS, WE ARE WILLING TO RAISE BOTH THE EXISTING HOME, WHICH CURRENTLY DOES NOT COMPLY WITH THE EXISTING FLOOD HEIGHT REQUIREMENTS AND THE ADDITION BOTH TWO FEET ABOVE THE 100 YEAR FLOODPLAIN. I'D LIKE TO COMMENT ON THE SUMMARY OF FINDINGS IN THE STAFF REPORT. FIRST, AS I SAID, WHEN WE ARE NOT ONLY WILLING TO BUILD THE ADDITION TWO FEET,

BUT ALSO RAISE THE EXISTING HOUSE TO THAT SAME HEIGHT. AND BY DOING THIS, WE LESSEN BOTH THE -- THE RISKS ASSOCIATED WITH FLOODING, WITH RESPECT TO LIFE AND PROPERTY. SECOND THE ISSUE OF EXISTING ALLEGED NO SAFE ACCESS IS MITIGATED BYPASSING THE VARIANCE. IN THE EVENT OF 100 YEAR FLOODPLAIN, THE FIRST RESPONDERS WILL BE ACCESSING A PERSON IN A HOUSE THAT IS NOT FLOODED VERSUS ONE THAT IS. IF THE VARIANCE IS NOT GRANTED. THIRD, THE SUBSTANTIAL IMPROVEMENT ISSUE NO LONGER APPLY BECAUSE IT WILL BE ABOVE THAT 100 YEAR FLOODPLAIN. IN OUR CASE WE ARE ACTUALLY WILLING TO DO IT TWO FEET ABOVE THAT HEIGHT. FOURTH WITH RESPECT TO THE ADDITIONAL OCCUPANCY IN THE FLOODPLAIN. THE TRADEOFF REALLY IS YOU HAVE GOT THE EXISTING SITUATION WHERE YOU MIGHT HAVE TWO PEOPLE AT RISK, VERSUS THREE TO FOUR PEOPLE IN A PERFECTLY SAFE ENVIRONMENT FROM FLOODS, THEREFORE NOT NECESSITATING RESCUE. AND, FIFTH, IT'S MY IMPRESSION THAT THERE IS A HARDSHIP AND THE HARDSHIP IS THAT IF THE VARIANCE IS NOT GRANTED, WE WILL BE LEFT WITH A HOUSE THAT IS SUSPECT TO FLOODING IN THE EVENT OF A 25 OR 100 YEAR EVENT. AND LASTLY, WITH THE RECENT FLOODS IN THE AREA, DID NOT AFFECT OUR HOUSE AS WAS SEEN IN THE PHOTO WHICH WAS DOWN THE STREET AND IF THE VARIANCE IS PASSED THERE WILL BE EVEN LESS CHANCE OF HARM TO LIFE AND PROPERTY AT 4512 AVENUE D. IN CONCLUSION, BY ALLOWING THE VARIANCE TO PASS, ALL OF THE RISK FACTORS TO LIFE AND PROPERTY ASSOCIATED WITH THE HOME WILL BE IMPROVED AND THE HOME VERSUS THE HOME'S CURRENT STATE. THERE'S NO LOGICAL REASON WHY THIS VARIANCE SHOULD NOT BE GRANTED. THE VARIANCE IS A WIN-WIN FOR BOTH US AND THE CITY OF AUSTIN. IF I HAVE ANY TIME LEFT I WOULD BE HAPPY TO ANSWER QUESTIONS.

THANK YOU, MR. SELF. QUESTIONS OF THE OWNER, COUNCIL? THANK YOU, SIR. NOTICE ALL OF THE SPEAKERS WE HAVE, COUNCIL. NOBODY IS IN OPPOSITION, WHICH IS USUALLY THE CASE. QUESTIONS, COMMENTS? MR. OSWALT, IF I HEARD IT CORRECTLY, WHAT THE PROPOSAL IS TO LITERALLY ELEVATE THE EXISTING HOUSE, OUT -- ABOVE

THE FLOODPLAIN?

RIGHT, THE EXISTING HOUSE WOULD BE ELEVATED TWO FEET ABOVE THE FLOODPLAIN, WHICH IS ONE FOOT ABOVE THE CITY'S REQUIREMENT. AS WELL AS THE NEW CONSTRUCTION, ALL OF THE CONSTRUCTION, THE NEW CONSTRUCTION PLUS THE OLD CONSTRUCTION EXISTING CONSTRUCTION AT THAT SITE WOULD BE PROPERLY ELEVATED.

APPROXIMATELY HOW -- HOW FAR BELOW THE -- THE FLOODPLAIN IS THE CURRENT FINISH FLOOR OF THE EXISTING?

LET ME GET THAT ANSWER. THE EXISTING FLOOR ELEVATION, THE CURRENT HOUSE IS AT THAT LOCATION, ABOUT 6/10ths OF A FOOT BELOW, SO THEY ARE ELEVATING 2 2.4 FEET, RAISING THAT.

SEVEN INCHES BELOW NOW APPROXIMATELY. BUT THE PROPOSAL IS TO RAISE IT SEVERAL FEET.

TWO FEET ABOVE. SO THEY WOULD BE ELEVATING TWO FEET, SEVEN INCHES APPROXIMATELY.

Mayor Wynn: SO OBVIOUSLY THE EXISTING HOME I GUESS IS A SMALL HOUSE.

THAT'S MY UNDERSTANDING.

Mayor Wynn: I KNOW AT TIMES WE HAVE APPROVED AS YOU KNOW IMPROVEMENTS IN THE FLOODPLAIN BEFORE. MOST OF THOSE THAT I REMEMBER, THERE'S ALWAYS SOME TYPE OF MITIGATING CIRCUMSTANCE WHETHER, YOU KNOW, THE FRONT ENTRANCE TO THE HOUSE IS CLEARLY OUT OF THE FLOODPLAIN AND SO AS LONG AS THEY ELEVATED SORT OF THE REAR ADDITION THERE WAS -- THE STAFF OBJECTION, THERE WAS SOME APPROVALS GIVEN. SO IN THEORY IF A HOME IS LITERALLY IS JACKED UP TWO AND A HALF FEET OR SO --

BASICALLY THE HOME BECOMES AN ISLAND DURING -- REALLY I THINK THE BIGGEST ISSUE WITH THE OWNER

WILLING TO DO THAT ELEVATION, WHICH IS IN MY OPINION THAT'S EXCEPTIONAL, THEIR WILLINGNESS TO ELEVATE, IS THE SAFETY OF ACCESS DURING A HIGH WATER EVENTS.

Mayor Wynn: THAT WAS MY QUESTION. IN THEORY IF A HOME IS ELEVATED THAT MUCH MORE, THERE'S GOING TO HAVE TO BE A PORCH AND STEPS, YOU HAVE TO BE ABLE TO GET UP TO IT. IS IT CONCEIVABLE BASED ON MAYBE THE LOCATION OF THE FLOODPLAIN ON THE LOT THAT -- THAT YOU KNOW WITH THE RIGHT CONFIGURATION OF THE LEAD WALK OR STEPS OR THE FRONT PORCH OR HOWEVER ONE IS GOING TO GET UP THREE FEET HIGHER THAN THEY ARE NOW, THAT THAT ACCESS COULD BE DESIGNED IN SUCH A WAY TO -- TO GO BEYOND THE EXTENTS OF THE FLOODPLAIN.

WELL, UNFORTUNATELY, THE WATER GETS -- GETS DEEPER TOWARD THE FRONT OF THE HOUSE BECAUSE THE CREEK IS ACROSS THE STREET, SO THE -- SO THE DEEPER, I MEAN, HOWEVER YOU COME OUT OF THAT STRUCTURE TOWARD THE HOUSE, WHICH IS THE NORMAL ACCESS OF FIRST RESPONDERS, YOU DO HAVE OVER TWO FEET OF WATER THERE AT THE CURB DURING 100 YEAR EVENT, THAT IS THE KEY ISSUE.

IS THE STREET IN FRONTS OF THE HOUSE ALSO CLEARLY UNDER WATER.

RIGHT, RIGHT.

IT'S NOT JUST THE LOT ITSELF. IT'S THE -- IT'S THE WHOLE --

WATER COMING FROM THE CREEK WHICH IS ACROSS THE STREET FROM THE HOUSE AND THE STREET IS TOTALLY FLOODED DURING ONE HUNDRED YEAR EVENT AND THEN IT'S COMING UP ON TO THE LOT AND THE -- YOU KNOW THE LATEST FLOODPLAIN MODELS THAT WE HAVE INDICATE THAT THE WATER OVER TWO FEET DEEP IN FRONTS OF THE HOUSE. THANK YOU MR. OSWALT, COUNCILMEMBER LEFFINGWELL?

GOING BY MEMORY HERE, YOU MAY BE ABLE TO VERIFY THIS. I BELIEVE THAT -- THAT THE LAST TIME WE HAD ONE OF

THESE CASES, TALKING ABOUT ACCESS BY THE FIRE DEPARTMENT, THE FIRE CHIEF SAID THAT THEY WERE INSTRUCTED NOT TO -- TO GO INTO MORE THAN 18 INCHES OF WATER; IS THAT CORRECT?

I BELIEVE IT'S RIGHT ABOUT -- ABOUT 22 INCHES IF I RECALL WAS THE -- WAS THE CALL ON THAT ONE.

I BET YOU IT'S 18.

STILL -- STILL 22. ONE OF THE FIREMEN HERE MAY ANSWER THE --

I THINK MR. -- WITH THE FIRE DEPARTMENT.

ACTUALLY DID SOME RESEARCH IN THE PREVIOUS VARIANCE REQUESTS. IN DOING MY RESEARCH, ASKING ANYONE IN THE DEPARTMENT IS THERE ANY WRITTEN KIND OF COMMON GUIDELINES FOR -- FOR OUR APPARATUS DRIVERS, THERE ISN'T ANYTHING THAT'S WRITTEN, BASICALLY IT'S A JUDGMENT CALL. AND ONE THING THAT WAS RESEARCHED WAS THE -- REFERENCED WAS THE INTAKE OF THE APPARATUS WHICH TOTALLY BAFFLED ME BECAUSE ON ALMOST ALL OF OUR UNITS, ESPECIALLY ALL OF THE TYPICAL FIRE ONES, MAYBE NOT ON A CITY USE VEHICLE FOR THE FIRE DEPARTMENT BUT ALL OF THE FIRST RESPONDING APPARATUS, THE INTAKE IS ABOUT FOUR FEET OFF THE GROUND, IT'S A HUGE DETROIT DIESEL MOTOR WITH THE OBTAIN ON TOP. WITH THE FLOW RATES THAT ARE ASSOCIATED WITH -- IN THE MODEL, WHICH IS ABOUT A HALF A FOOT A SECOND, I THINK THERE WAS REFERENCED, THAT WOULD NOT BE ENOUGH OF A FORCE TO MOVE A FIRE ENGINE. SO TYPICALLY WE ALMOST GET UP TO THE BUMPER AND IF THE FLOW ISN'T AN ISSUE, THEN WE WILL GO IN AS FAR AS -- AS WE DEEM NECESSARY, IN TERMS OF THE COMMON ACCESS TO A PROPERTY, IT IS TRUE THAT IS THE FRONT DOOR. YET WE ARE TRAINED TO MEMORIZE OUR TERRITORIES. AND IN SUCH A CASE, WE'LL USE WHATEVER ACCESS IS SAFEST. THERE'S ACTUALLY A FENCE BETWEEN OUR HOUSE ON AVENUE D AND THE NEIGHBORING PROPERTY THAT ABUTS THE REAR ON AVENUE C. THERE'S A FENCE RIGHT THERE. SO IF -- IF THERE WAS THE NEED TO ACCESS THE PROPERTY, NOT ONLY WOULD WE BE ABLE TO

GO THROUGH AVENUE C, BUT WE COULD GET TO THE PROPERTY IN LESS WATER BECAUSE THE ADDITION BRINGS THE HOUSE FURTHER AWAY FROM THE FLOODPLAINS, THAT ARE KIND OF SLOPED TOWARDS THE FRONT OF THE HOUSE. AND MY ARGUMENT IS EVEN IF THE VARIANCE IS NOT GRANTED, WE ARE GOING INTO THAT SAME SITUATION IF NOT WORSE. SOP -- THAT'S HOW I WOULD APPROACH IT AS A FIREFIGHTER AND A FIRST RESPONDER. WE WILL USE WHATEVER ACCESS IS NECESSARY.

Mayor Wynn: HOW LONG HAVE YOU ALL OWNED THE HOME?

I HAVE OWNED IT SINCE 1999.

Mayor Wynn: COUNCILMEMBER ALVAREZ?

Alvarez: ARE WE TALKING HERE THE 100 YEAR OR 25 YEAR NOON.

THE ELEVATIONS I'VE REFERENCED ARE FOR THE 100 YEAR EVENT.

Alvarez: I KNOW IN -- YOU KNOW IN OTHER INSTANCES WHEN FOLKS HAVE APPROACHED US ABOUT BUILDING IN THE 100 YEAR FLOODPLAIN, THEY HAVE TO BUILD YOU KNOW A FOOT ABOVE AND I KNOW WE HAVE APPROVED SOME OF THOSE TYPES OF APPLICATIONS. OR SO I GUESS I'M WONDERING WHY THIS IS DIFFERENT IF THEY ARE ELEVATING, THIS IS DIFFERENT BECAUSE IT MORE THAN ONE FOOT OR HOW DOES THAT WORK?

THE ELEVATION IS A POSITIVE. IN FACT THAT -- THE FACT THAT THE APPLICANT IS WILLING TO ELEVATE AN OLDER STRUCTURE IS A POSITIVE. IT JUST DOESN'T -- IT -- BUT THE STRUCTURE THAT DOES REDUCE THE FLOOD HAZARD AND THE STRUCTURE AS IT STAND BY GETTING THE FINISHED FLOOR, THE LOWEST FINISHED FLOOR ABOVE THE 100 YEAR WATER SURFACE ELEVATION, IT REALLY JUST COMES -- THE SAFETY OF ACCESS WOULD NOT ALLOW US TO -- TO HAVE A POSITIVE TAKE ON THIS PARTICULAR REQUEST. POSITIVE RECOMMENDATION.

BUT -- OKAY. BUT THERE HAS BEEN OTHER INSTANCES

WHERE -- WHERE YOU KNOW WE HAVE SUPPORTED --

TYPICALLY --

PEOPLE ELEVATING THE 100 YEAR FLOODPLAIN.

YES AND YOU KNOW TYPICALLY OUR JUDGMENT IS IF IT'S A FOOT OR LESS OF WATER RIGHT IN THAT NEIGHBORHOOD, OF -- OF A TYPICAL FOUR DOOR SEDAN MIGHT BE ABLE TO MOVE THROUGH IT. YOU KNOW, CERTAINLY A FIRE TRUCK IS AN EXCEPTIONAL DEVICE THAT CAN COME IN PROBABLY UNDER THE -- SOME PRETTY SEVERE SITUATIONS, BUT WE ARE LOOKING AT E.M.S., POLICE CRUISERS, PEOPLE'S OWN VEHICLES AND TWO FEET OF WATER CERTAINLY IS A CHALLENGE FOR THOSE OTHER TYPES OF VEHICLES.

Alvarez: THANK YOU.

Mayor Wynn: SO WHAT'S ON YOUR MODELING, DOES IT -- HOW LONG DOES -- DO THE MODELS SHOW WATER STANDING, THAT IS, YOU KNOW, WATER COMES UP TWO AND A HALF FEET. IS IT SIX -- 16 HOURS LATER IT'S GONE OR WHAT'S THE TYPICAL DURATION OF THAT KIND OF HEIGHT OF WATER.

TYPICALLY STORM HERE YOU MAY HAVE HIGH WATER IN THAT AREA FOR AN HOUR, THAT'S A VERY FLASH FLOOD TYPE WATERSHED. A LOT OF VERY HIGH IMPERVIOUS COVER, COMES UP QUICKLY. GOES DOWN QUICKLY, THE POSITIVE IS THAT IT DOESN'T STAY UP LONG, THAT'S PRETTY HIGH IN THE WATERSHED, NOT A LONG DURATION INUNDATION. IT'S A -- ANECDOTALLY AN HOUR OR TWO. NOT TENSE OF HOURS.

Mayor Wynn: RIGHT. SO I GUESS A MITIGATING ARGUMENT HERE IS THAT IF -- IF THE -- IF THE EXISTING AND NEW STRUCTURES ARE -- YOU KNOW, WELL ABOVE THE LOT THEY HAVE LEVELED, THEN HOPEFULLY WORST CASE IS THEY WOULD HAVE TO SIT IT OUT, WAIT IT OUT FOR A LITTLE WHILE. THE TRAGEDY MIGHT BE IF THEY NEED TO BE EVACUATED BECAUSE OF SOME MEDICAL REASON OR -- OR AN INJURY OR SOMETHING. [ONE MOMENT PLEASE FOR CHANGE IN CAPTIONERS]

THIS WAY WE'LL HAVE ADDITIONAL REFUGE BEING HIGHER UP AS WELL AS HAVING MORE STRUCTURE THAT WILL LEAD US TO AN EXIT OUT THE REAR DOOR, WHICH IS ABOVE AND OUTSIDE OF THAT 100 YEAR FLOODPLAIN. >>

MAYOR, CAN I COMMENT? THERE'S A DISCRIMINATOR BETWEEN THE VARIANCE WE SUPPORTED ON SPEEDWAY. THAT WAS AN UNDEVELOPED LOT. WE JUDGED THAT THERE WAS A HARDSHIP ON THE LAND. THE OWNER DID NOT HAVE ECONOMIC USE OF IT. WATER IS A LITTLE BIT SHALLOWER, BUT THAT DROVE OUR DECISION TO SUPPORT THAT VARIANCE BECAUSE THERE WAS AN ECONOMIC HARDSHIP ON THAT LAND. THERE WAS NOT A HOUSE THERE. AND THAT'S PART OF THE PROCEDURES IN OUR CODE THAT ALLOWS CONSIDERATION OF A VARIANCE. SO THERE WAS A DIFFERENT STARTING POINT ON THAT PARTICULAR VARIANCE THAN THE ONE WE'RE SPEAKING TO THIS EVENING.

Mayor Wynn: I GUESS I'M TRYING TO BALANCE OUT OBVIOUSLY THERE'S ECONOMIC USE OF THIS HOME NOW BECAUSE THEY'VE BEEN LIVING THERE AND ENJOYING IT, I TRUST. BUT BY -- FORGET THE ADDITION. IF SOMEONE WERE ELEVATE THEIR EXISTING OUTSIDE AND GET IT OUT OF THE FLOODPLAIN, IT SEEMS TO ME THAT I GUESS THE MATH MAYBE WE DO INTERNALLY IS IT COULD BE A BIG EXPENSE TO ELEVATE AN EXISTING HOME, BUT IF -- A COUPLE OF TIMES IN THE DURATION OF THE OWNERSHIP OF THAT HOME, THEY AVOID HAVING A FEW INCHES EVEN OF WATER IN THAT HOME, THAT MIGHT PAY FOR ITSELF. SO I WAS JUST TRYING TO THINK ABOUT SOME OF THE OTHER ECONOMICS INVOLVED HERE. I DON'T KNOW IF THEIR INSURANCE WOULD BE ANY LOWER IF THEIR FINISHED FLOOR IN THEIR ACTUAL HOME WAS OUT OF THE FLOODPLAIN. I'M TRYING TO THINK IF THERE'S AN ECONOMIC ARGUMENT THAT INDEPENDENT OF AN EXPANSION OR AN ADDITION TO A HOME, IT WOULD BEHOVE THE CITY TO ALLOW SOMEBODY TO MAKE AN ECONOMIC INVESTMENT IN A PROPERTY BECAUSE OTHERWISE THEY JUST WON'T HAVE THOSE -- THAT FINANCIAL RETURN. FURTHER QUESTIONS, COMMENTS? AGAIN -- COUNCILMEMBER DUNKERLEY.

Dunkerley: WHAT DO YOU ESTIMATE THE TOTAL AMOUNT

YOU'RE GOING TO HAVE TO RAISE YOUR HOUSE UP? I WAS TRYING TO ADD AND SUBTRACT. I KNOW YOU'RE GOING TO PUT IT TWO FEET ABOVE THE FLOODPLAIN, BUT THAT WILL BE MOVING IT UP ABOUT --

ABOUT TWO AND A HALF FEET, RIGHT.

Mayor Wynn: A PRIME EXAMPLE OF HOW MISERABLE THESE CASES ARE BECAUSE WE'RE STARING AT AT CITIZENS THAT HAVE THEIR MOST SUBSTANTIAL INVESTMENT IN A HOME, AND WHETHER THEY KNEW OR NOT AT THE TIME IT'S IN THE FLOODPLAIN --

RIGHT.

Mayor Wynn: EXCUSE ME. BUT AT THE SAME TIME WE HAVE A TREMENDOUS RESPECT FOR THE CITY STAFF AND THEIR ANALYSIS, INCLUDING FRANKLY THE EMERGENCY RESPONSE PIECE OF THIS ANALYSIS AND HOW -- AND WE'RE OFTEN -- WE'RE OFTEN TOLD THAT WITH THE -- WITH FRANKLY THE HARDER LINE A MUNICIPALITY TAKES WITH ISSUES LIKE THIS, THEN ARGUABLY ONE CAN TRACK COST OF FLOOD INSURANCE AND OTHER SORT OF RULINGS AND PROCEDURES FROM ESSENTIALLY FEDERAL AUTHORITIES WHEN IT COMES TO HOW MUNICIPALITIES DEAL WITH THEIR FLOODPLAIN ISSUES.

Kim: HOW MUCH WILL IT COST YOU TO RAISE IT TWO FEET, YOUR HOME?

IN THE BALLPARK OF 15 TO 20,000.

Kim: HOW DO THEY DO IT? THEY JACK IT UP OR THEY ADD TO THE GROUND STRUCTURE TO RAISE THE GROUND STRUCTURE?

WHAT WILL HAVE TO BE DONE IS ALL OF THE FLOOR BOARDS UNDERNEATH THE HOUSE -- IT'S ON PIER AND BEAM AS IT IS NOW. THEY WILL PUT STEEL I BEAMS AND PUT THEM IN CRITICAL LOAD BEARING SPACES ACROSS THE UNDERNEATH SIDE AND GET HIGH DRAWLIC JACKS TO LIFT IT UP. NEW PEERS AND FOOTINGS WILL HAVE TO BE DUG AND NEW CONCRETE AND REBAR PUT IN TO THEN SUPPORT

THE HOUSE AT ITS NEW ELEVATION. SO IT IS A HUGE INVESTMENT THAT REALLY ECONOMICALLY ONLY MAKES SENSE IF YOU'RE ALLOWED TO DO AN ADDITION ON TO THE HOUSE.

Kim: HAVE YOU LOOKED AT OTHER PROPERTIES THAT ARE NOT IN A FLOODPLAIN?

OH, YEAH.

Kim: YOU'RE SPENDING A LOT OF MONEY.

THAT'S THE STICKY PART OF IT IS THAT WE REALLY CAN'T AFFORD TO LIVE IN THE NEIGHBORHOOD THAT WE LIVE IN NOW IN A HOUSE THAT'S BIG ENOUGH FOR MY WIFE AND A FAMILY, SO WE HATE THE IDEA OF HAVING TO MOVE OUTSIDE OF AUSTIN TO GET THE LIVING SPACE TO START A FAMILY IN. AND THIS WOULD ALLOW US TO HAVE BOTH.

Kim: OKAY, THANKS.

Mayor Wynn: FURTHER QUESTIONS? COUNCILMEMBER DUNKERLEY.

Dunkerley: I'M GOING TO MAKE A MOTION TO APPROVE THE VARIANCE BASED ON A COUPLE OF THINGS. ONE IS THAT YOU'RE RAISING THE PRESENT HOUSE OVER TWO AND A HALF FEET TO GET THE ENTIRE STRUCTURE PLUS THE NEW ADDITION OUT OF THE FLOODPLAIN. AND FROM LOOKING AT THE SITE, IT REALLY DOES APPEAR IN AN EVENT WHERE YOU WOULD EVER HAVE TO LEAVE YOU COULD EXIT THE REAR I THINK FAIRLY SAFELY OR VERY SAFELY. IN FACT, I THINK YOU COULD EXIT THE FRONT FROM THE LOOKS OF IT. SO I WOULD RECOMMEND APPROVAL OF THE VARIANCE. I DON'T KNOW IF I'LL GET A SECOND, BUT WE'LL SEE.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER DUNKERLEY TO CLOSE THE PUBLIC HEARING, ITEM NUMBER 56, AND APPROVE THE VARIANCE REQUEST. I'LL SECOND THAT FOR DISCUSSION.

Alvarez: QUESTION OF STAFF.

Mayor Wynn: COUNCILMEMBER ALVAREZ.

Alvarez: I GUESS IT'S FOR THE APPLICANT TOO, BUT HOW BIG IS THE ADDITION OR THE PROPOSED ADDITION?

IT'S ABOUT DOUBLING THE FINISHED SQUARE FOOTAGE OF THE HOUSE. THE FOOTPRINT WILL BE 20 BY 24 AND THEN BECAUSE OF THE IMPERVIOUS COVERAGE ISSUES AND NOT WANTING TO AFFECT A HUGE PECAN TREE IN OUR BACKYARD, WE'RE GOING TO PUT A SECOND STORY ON TOP OF THAT ADDITION.

A TOTAL OF 950 SQUARE FEET. THE EXISTING HOUSE IS 985 SQUARE FEET.

Alvarez: WELL, THANK YOU. I THINK FOR ME THAT'S AN IMPORTANT PART. IN THE PAST THE VERY SMALL ADDITIONS ACTUALLY TURNED DOWN THESE KIND OF PERMITS, SO I DON'T KNOW THAT I'LL BE ABLE TO SUPPORT THE MOTION. BUT I DON'T KNOW, I DO ESPECIALLY EMPATHIZE, BUT I THINK GIVEN THE ANALYSIS FROM STAFF I WON'T BE ABLE TO SUPPORT THE WAIVER.

Mayor Wynn: MR. OSWALD, A QUICK QUESTION BEFORE I RECOGNIZE COUNCILMEMBER LEFFINGWELL. IF A VARIANCE WERE TO BE GRANTED OR MAYBE MS. TERRY CAN BETTER ANSWER THIS, DOES A VARIANCE LIKE THIS -- I GUESS TO SOME DEGREE HOW CONDITIONAL CAN IT BE? AND THAT IS, FOR INSTANCE, I WOULDN'T BE SUPPORTIVE OF THE VARIANCE JUST RUNNING WITH THE LOT WITH THE PROPERTY. CAN THE CONDITIONS BE SUCH THAT OF COURSE ALL CONSTRUCTION HAS TO COMPLY TO FULL INSPECTION AND ALL OTHER CODES OR WHAT? IN ZONING WE COME ACROSS THIS FREQUENTLY WHERE WE'RE TRYING TO APPROVE A SPECIFIC PROJECT, BUT INEVITABLY WHAT WE DO IS APPROVE USE ON A PIECE OF LAND AND THAT PROJECT DOESN'T HAPPEN AND THEN 25 YEARS LATER THERE'S STILL THAT ENTITLEMENT ON THIS PIECE OF PROPERTY.

MAYOR, LET ME ASK MISTY COTTON TO ANSWER THAT. SHE'S THE LAWYER THAT'S BEEN ASSISTING THE

DEPARTMENT WITH THIS.

THE TERMS OF THIS ORDINANCE ARE THAT IF THE BUILDING IS NOT BUILT WITHIN ONE YEAR, IT WOULD EXPIRE, SO WE HAVE TO DO THIS RIGHT AWAY. AND THEN THIS VARIANCE WOULD NOT RUN WITH THE LAND, IF THAT'S THE TYPE OF QUESTION YOU'RE ASKING, IF IT WERE -- AND WE CAN GIVE YOU SPECIFICS ABOUT WHAT WOULD HAPPEN IN THE FUTURE. YOU'RE WONDERING WHETHER THEY COULD ADD MORE TO THIS IF THE VARIANCE WAS GRANTED. AS FAR AS CONDITIONS, IT'S NOT UNCOMMON FOR US TO PLACE CONDITIONS ON VARIANCES. THERE AREN'T ANY HERE, THE STAFF DIDN'T HAVE ANY IN MIND, BUT WE CAN PLACE ANY CONDITIONS THAT WE WANT ON THE GRANTING OF THE VARIANCE. DOES THAT ANSWER YOUR QUESTION. >>

Mayor Wynn: SO IF WE DID NOTHING IT WOULD EXPIRE IN A YEAR ANYWAY.

CORRECT.

Mayor Wynn: BUT IF IT WERE TO BE GRANTED, AND WITHIN THAT YEAR THE OWNERS WENT FORWARD AS THEY PLAN TO TODAY, MY HOPE IS THAT OF COURSE ALL CONSTRUCTION HAS TO MEET ALL STANDARDS AND ALL CODE REQUIREMENTS AND WHATEVER REQUIREMENTS WE HAVE ON SINGLE-FAMILY ELEVATION AND ADDITIONS, THEY HAVE TO BE MET WHETHER THAT'S ENGINEERED DRAWINGS OR WHAT.

THEY WOULD HAVE TO MEET ALL THE CITY STANDARDS FOR BUILDING, ALL THE BUILDING CODE REQUIREMENTS, ALL THE PLUMBING.

Mayor Wynn: FURTHER COMMENTS? COUNCILMEMBER LEFFINGWELL, EXCUSE ME.

Leffingwell: WELL, I PLAN TO VOTE AGAINST THE MOTION. I BELIEVE THERE'S A PERSONAL SAFETY ISSUE. I REALIZE THAT THE APPLICANTS ARE WILLING TO ACCEPT THAT RISK, BUT THERE'S ALSO A SAFETY ISSUE INVOLVING PEOPLE DOWNSTREAM OF A STRUCTURE LIKE THIS. IF IT FLOODS OUT AND BECOMES, AS I'VE SAID BEFORE, PROJECT TILES

RUNNING DOWNSTREAM AT OTHER TEAM. THERE ARE ALSO MANY OTHER ISSUES. THERE ARE A LOT OF REASONS THAT BUILDING IN THE FLOODPLAINS ARE RESTRICTED. IF THIS WERE NOT AN URBAN WATERSHED, THERE WOULD BE A WATER QUALITY ISSUE. TECHNICALLY WATER QUALITY ISSUES DON'T APPLY IN THE URBAN WATERSHEDS, BUT PERHAPS THEY SHOULD. IN REALITY THERE'S A WATER QUALITY EFFECT. SO FOR ALL THOSE REASONS, I WILL ONCE AGAIN OPPOSE THE MOTION.

Mayor Wynn: THANK YOU, COUNCILMEMBER.
COUNCILMEMBER KIM.

Kim: THIS IS A REALLY TOUGH ONE BECAUSE OF THE WAY THE STRUCTURE IS RIGHT NOW AND THE ACCESS TO IT. I KNOW YOU WANT TO STAY IN THE NEIGHBORHOOD, AND I KNOW THAT'S IMPORTANT TO YOU AND YOUR WIFE, AND I KNOW THAT PROPERTY PRICES THERE ARE VERY HIGH. I DON'T KNOW WHAT YOU WOULD BE ABLE TO GET EVEN WITH APPRECIATION FROM 19 1995 TO TODAY. I JUST DON'T SEE THE HARDSHIP TEST CONSIDERING ALL THE DIFFERENT VARIABLES HERE. I'M SORRY, BUT I HAVE TO DENY THE REQUEST.

Mayor Wynn: IN CLOSING, I WOULD JUST SAY I SECONDED THIS MOTION FOR DISCUSSION PURPOSES RELUCTANTLY. I'M VERY COGNIZANT OF ALL THESE ISSUES AND I'M VERY EMPATHETIC AND THESE ARE PERSONALLY JUST VERY PAINFUL DECISIONS FOR US ALL TO HAVE TO MAKE, BUT I WILL NOT BE SUPPORTING THE MOTION THAT I SECOND TO GRANT THE VARIANCE. BUT WE HAVE A MOTION AND A SECOND ON THE TABLE TO CLOSE THE PUBLIC HEARING AND GRANT THE VARIANCE REQUEST, ITEM NUMBER 56. ALL THOSE IN FAVOR OF THE MOTION PLEASE SAY AYE. ALL THOSE OPPOSED?

NO.

Mayor Wynn: MOTION FAILS ON A VOTE OF ONE TO FOUR WITH COUNCILMEMBER DUNKERLEY VOTING AYE AND MAYOR PRO TEM AND COUNCILMEMBER MCCRACKEN OFF THE DAIS. THANK YOU ALL. ITEM NUMBER 57 IS TO CONDUCT A SIMILAR PUBLIC HEARING REGARDING A VARIANCE

REQUEST ALSO IN A 25 AND 100 YEAR FLOODPLAIN.

ITEM 57, CONDUCT A PUBLIC HEARING TO CONSIDER VARIANCE REQUESTS BY MARK AND RENE KEENEY TO ALLOW CONSTRUCTION OF AN ADDITION TO A SINGLE-FAMILY RESIDENCE AT 3,000 VINEWOOD COVE IN THE 25 YEAR AND 100 YEAR FLOODPLAINS OF SHOAL CREEK AND TO LIMIT THE REQUIREMENT TO DEDICATE A DRAINAGE EASEMENT TO THE FULL LIMIT OF THE 100 YEAR FLOODPLAIN TO EXCLUDE THE FOOTPRINT OF THE RESIDENCE. I'LL GO TO THE OVERHEAD. THE APPLICANT APPLICANT'S CAN REQUEST IS TO CONSTRUCT A 569 SQUARE FEET ADDITION TO AN EXISTING 1350 SQUARE FEET HOUSE AND TO MODEL THE EXISTING RESIDENCE WHICH IS IN THE 25 AND 100 YEAR FLOODPLAINS OF SHOAL CREEK AND TO EXCLUDE THE BUILDING FOOTPRINT FROM DRAINAGE EASEMENT DEDICATION TO THE FULL LIMIT OF THE 100 YEAR FLOODPLAIN. THIS IS THE LOCATION OF THE SUBJECT PROPERTY. THIS IS SOAK FLOWING FROM NORTH TO SOUTH. SHOAL CREEK BOULEVARD IS SLIGHTLY OFF TO THE WEST FROM THIS AERIAL PHOTOGRAPH. VINEWOOD LANE, VINEWOOD COVE, THE SUBJECT PROPERTY IS IN BOTH THE 25-YEAR FLOODPLAIN, WHICH IS THE DARK BLUE AREA, AND THE LIGHTER AREA WHICH IS THE 100 YEAR FLOODPLAIN OF SHOAL CREEK. A A CLOSER VIEW TO SHOW THE AREA ON THE BACK OF THE HOUSE FOR WHICH THE ADDITION IS PROPOSED, IN THIS PARTICULAR PROPOSAL AND IN ADDITION TO THE NEW CONSTRUCTION INCLUDES SUBSTANTIAL REMODEL OF THE EXISTING HOUSE STRUCTURE. ALL RIGHT. STAFF IS RECOMMENDING DENIAL OF THE VARIANCE BASED ON THE FOLLOWING FINDINGS OF FACT. THE PROPOSED CONSTRUCTION ENCROACHES IN THE FLOODPLAIN, AND THE CODE REQUIRES DEDICATION OF THE EASEMENT TO THE LIMITS OF THE 100 YEAR FLOODPLAIN AS BASICALLY A NO BILL ZONE. ELEVATION OF THE EXISTING AND PROPOSED STRUCTURE IS REQUIRED BECAUSE IT IS SUBSTANTIAL IMPROVEMENT. THIS CASE DIFFERENT FROM THE LAST ONE WE HEARD. THE APPLICANT DOES NOT PROPOSE TO ELEVATE EITHER THE EXISTING STRUCTURE OR THE PROPOSED NEW CONSTRUCTION TO MEET THE CITY'S MINIMUM ELEVATION REQUIREMENTS. THE EXISTING FLOOR ELEVATION OF THE HOUSE IS TWO FEET BELOW

REQUIREMENT, AND THE ROOM ADDITION IS PROPOSED AT .83 FEET BELOW REQUIREMENT. AGAIN, THIS PROPERTY IS ENCUMBERED FOR SAFE ACCESS DURING HIGH WATER EVENT. WE HAVE THE 100 YEAR FLOODPLAIN IS UP TO 2.4 FEET DEEP IN FRONT OF THE STRUCTURE. NOT MOVING VERY QUICKLY, BUT THERE IS A SUBSTANTIAL DEPTH OF WATER AT THAT LOCATION, AND THERE'S BETWEEN 1.4 AND 19 FEET OF WATER SURROUNDING THE HOUSE. AGAIN, THE INCREASE IN SQUARE FOOTAGE ALLOWS THE OPPORTUNITY FOR INCREASED OCCUPANCY IN THE FLOODPLAIN. PROPERTY HARDSHIP CONDITIONS DO NOT EXIST SINCE THERE'S ALREADY AN EXISTING HOUSE STRUCTURE ON THE PROPERTY. RECENT FLOODS IN THE HAVEN'T DURING THE NOVEMBER 2004 EVENT, WE DID HAVE REPORTS OF MODERATE STREET AND YARD FLOODING, BUT THAT PARTICULAR STORM DID NOT IMPACT THE SHOAL CREEK WATERSHED AS EXTENSIVELY AS IT DID WALLER CREEK. THAT CONCLUDES MY PRESENTATION.

Mayor Wynn: MR. OSWALD, A QUESTION, SO A 25-YEAR FLOODPLAIN MEANS THERE'S -- IN THEORY THE ODDS ARE THAT OVER 25 YEARS YOU WILL HAVE ONE OF THESE EVENTS, AND SO IT'S NOT THAT LONG AGO. SO IN THE LAST 25 YEARS, WHAT'S THE RECORDED WORST --

1980, '81 CERTAINLY EXCEEDED THAT. IN THE YEAR 2001 IN SOME PORTIONS OF SHOAL CREEK, PARTICULARLY DOWNTOWN, WE APPROACHED THAT LEVEL, BUT IT'S HARD TO EXTRAPOLATE THAT TO THE FULL EXTENT OF THE WATERSHED TO DETERMINE IF THERE REALLY WAS WATER AT THAT LEVEL AT THAT LOCATION DURING THAT EVENT. THESE STORMS ACTUALLY HAPPEN QUITE DIFFERENTLY THAN YOU MODEL. THEY'RE VERY SPATIALLY DISTRIBUTED. SO I CAN'T TELL YOU DEFINITELY MORE THAN IN 1981 I WOULD ASSUME THAT WE REACH THAT LEVEL OR HIGHER IN THE WATERSHED DURING THAT EVENT.

Mayor Wynn: AND OBJECT IS OBVIOUSLY SINCE THE TRAGEDY OF THE MEMORIAL DAY FLOOD, A LOT OF IMPROVEMENTS HAVE BEEN MADE TO SHOAL CREEK AND ARGUABLY THE PRETTY BIG UNDERSTOOD WE HAD -- I SHROSHD THROUGH IT DOWNTOWN IN '01 ON LAMAR BOULEVARD, AND ARGUABLY THAT WAS SUBSTANTIALLY DIMINISHED BECAUSE

OF ALL THE WORK THAT HAD BEEN DONE POST 81. AND SO I GUESS THE FUNDAMENTAL QUESTION IS HOW -- DO THE CURRENT MODELS TAKE INTO ACCOUNT ALL OF THAT UPSTREAM RETENTION WORK AND DETENTION WORK THAT WAS DONE?

THEY DO. THE NEW MODELS THAT WE'RE WORKING WITH, THEY DO INCLUDE THE NETWORK OF REGIONAL DETENTION FACILITIES AS IN THE 183-MOPAC INTERCHANGE. AND BELOW THIS SITE THERE'S A LARGE REGIONAL FACILITY IN NORTHWEST PARK, AND ALL OF THAT'S INCORPORATED IN THE MODEL. SO THIS LARGE REGIONAL FACILITIES, THE ADVANTAGES AND MITIGATIVE EFFECTS OF THOSE ARE INCLUDED IN THE MODEL THAT'S USED TO MAKE THE DETERMINATION OF THIS PARTICULAR VARIANCE REQUEST.

Mayor Wynn: FURTHER QUESTIONS OF STAFF, COUNCIL? IF NOT, WE'LL GO TO OUR SPEAKERS. WE HAVE A COUPLE OF FOLKS SIGNED UP WISHING TO SPEAK. OUR FIRST SPEAKER, RENE KEENEY WAS THE FIRST --

MAYOR AND COUNCIL, MY NAME IS JOHN CARLSON, I'M AN ARCHITECT.

Mayor Wynn: YOU'RE WELCOME TO GO FIRST, JOHN.

OKAY, THANK YOU. THE KEENEYS AND I HAVE BEEN WORKING ON THIS PROJECT FOR A LITTLE OVER TWO YEARS. AND WE BEGAN -- WHAT WE'RE DEALING WITH IS A 1335 SQUARE FOOT HOUSE. IT HAS A SLAB ON GRADE. AND IT'S A SMALL HOUSE, IT'S THREE BEDROOMS, SO WHAT WE WANTED TO DO WAS TO ADD A FAMILY ROOM TO THE REAR PORTION OF THE HOUSE. AND THEN WHILE WE'RE AT IT, WE WANT TO DO OTHER UPGRADES, WHICH INCLUDED REPLACING THE SIDING ON THE OUTSIDE OF THE HOUSE TO USE A HARDY MATERIAL AS OPPOSED TO THE MATERIAL THAT'S ON THE OUTSIDE. PLANNING TO INSTALL NEW INSULATED WINDOWS AND INSULATED GLASS DOORS WHERE WE USE THEM, IMPROVE THE AIR CONDITIONING SYSTEM AND THE INSULATION SO THAT WE HAVE A MORE ENERGY EFFICIENT SITUATION IN THE EXISTING HOUSE. WE'VE REARRANGED THE PLUMBING SITUATION IN THE PLUMBING BEDROOM AND AN ADDITIONAL BEDROOM. THE

HOUSE AS IT SITS RIGHT NOW HAS NO GARAGE. THERE WAS AN AREA THAT WAS A GARAGE WHICH HAS A FLOOR THAT'S DEPRESSED, BUT IT HAD BEEN CONVERTED TO A BEDROOM EARLIER. ONE OF THE THINGS WE'RE GOING TO DO IS RAISE THAT FLOOR SIX INCHES SO THAT IN THE OLD EXISTING HOUSE THE FLOORS ARE LEVEL THROUGHOUT. THE ADDITION IS 569 SQUARE FEET, WHICH IS RAISED SLIGHTLY ON THE BACK SIDE OF THE HOUSE. WHEN WE STARTED THIS, THE BUILDINGS IN THE 100 YEAR FLOODPLAIN ONLY, AND SO WE WENT THROUGH THE DRILL WITH THE CITY ON THE VARIOUS REQUIREMENTS THAT WE MIGHT HAVE TO WORK WITH IN DEALING WITH THE 100 YEAR FLOODPLAIN, WHICH INCLUDED RAISING THE ADDITION A FOOT ABOVE THE 100 YEAR PLAIN, LIMITING THE AMOUNT OF MONEY WE WOULD SPEND ON THE ADDITION, WHICH WAS ANOTHER REQUIREMENT. WE'VE GOT APPRAISALS AND SO FORTH SO THAT WE CAN ESTABLISH THE VALUE OF THE BUILDING SO THAT WE COULD DETERMINE WHAT OUR BUDGET COULD BE AND CUT BACK ON VARIOUS THINGS THAT WE HAD PLANNED TO DO INITIALLY IN ORDER TO STAY WITHIN THE BUDGET, SO WE WOULD BE OKAY WITH BUILDING IN THE 100 YEAR FLOODPLAIN. SO WE WENT AHEAD AND MADE ALL THOSE CHANGES AND REVISED THE PLANS AND SO FORTH. AND THEN WHEN WE WENT BACK TO THE CITY WITH THESE CHANGES, WE WERE ADVISED THAT THE FLOODPLAIN ELEVATIONS HAD CHANGED. AND SO WE SAID, THAT'S FINE, WHAT DOES THAT DO TO US? AND THE ANSWER IS WELL, WE DON'T KNOW, BUT WE'LL GET THE INFORMATION FOR YOU. AND WE THOUGHT WITH THE IMPROVEMENTS THAT WE'VE MADE, MAYBE WE'RE NOT IN THE FLOODPLAIN AT ALL ANYMORE. SO THE NEWS WAS THAT THE FLOODPLAIN WAS NOW HIGHER AND WE WERE NOW IN THE 25-YEAR PLAIN. SO WE MADE SOME ADDITIONAL ADJUSTMENTS IN THE PLAN TO TRY AND COMPENSATE FOR THAT, AND THE ADVICE FROM THE STAFF WAS THAT WE WOULD NOT BE ABLE TO GET A VARIANCE FOR THAT, WE WOULD NEED TO COME BEFORE THE COUNCIL FOR THAT TYPE OF A VARIANCE, WHICH IS WHY WE'RE HERE TONIGHT. THE NEW ELEVATIONS THAT WE HAVE AT THIS POINT, THE MAIN FLOOR OF THE HOUSE IS ABOUT TWO INCHES ABOVE THE 25-YEAR PLAIN, AND THE ADDITION IS ABOUT TWO INCHES ABOVE THE 100 YEAR

PLAIN. SO THAT'S WHERE WE ARE.

Mayor Wynn: THANK YOU, MR. CARLSON. MR. KEENEY, WELCOME.

THANK YOU. AS HE SAID MY NAME IS MARK KEENEY. I APPRECIATE Y'ALL BEING HERE. I KNOW IT'S BEEN A LONG DAY FOR Y'ALL LOOKING AT THIS AGENDA. IT'S BEEN A LONG PROCESS FOR US. WE'RE FINALLY IN A PLACE WHERE WE CAN DO SOME IMPROVEMENT TO THIS HOUSE, THAT WE'VE DECIDED THAT WE'RE GOING TO RETIRE IN BASICALLY. I KNOW WHAT HIS MODEL SAYS. WEE MOVED INTO THAT HOUSE IN APRIL OF 1980, AND I STOOD IN THE FRONT DOOR AND WHEN THE FLOODS CAME THROUGH SHOAL CREEK, I WENT OUT AND -- WALKED OUT AND GOT THE NEIGHBOR AND HELPED HER BACK TO HER HOUSE. NOT A DROP OF WATER IN OUR HOUSE. 1981 WHEN IT FLOODED, NOT A DROP OF WATER ANYWHERE IN THE NEIGHBORHOOD. IT WAS 20 BLOCKS DOWN SHOAL CREEK. NOW ALL THESE IMPROVEMENTS HAVE GONE ON, AND I COULD WALK OUT THERE ON ANY GIVEN DAY IN THE RAIN ANECDOTALLY AND TELL YOU THE WATER DOESN'T GET UP LIKE IT USED TO. THE MONEY THAT WAS SPENT THERE ACTUALLY DID SOMETHING. AND THEREFORE I HAVE A HARD TIME FROM JUST LOOKING AT IT, BELIEVING THAT THAT FLOOD MODEL IS CORRECT BECAUSE I'VE SEEN IT WITH MY EYES, I'VE SEEN THE CREEK COMING AND GOING EVERYDAY, NUMBER ONE. WE'D REALLY LIKE TO DO THIS. IT'S A SMALL ADDITION. I WOULDN'T DO ANYTHING -- I WOULDN'T DO ANYTHING TO JEOPARDIZE MYSELF OR A FIREMAN. OUT THE BACK DOOR THERE ARE THREE YARDS THAT ARE ALL ABOVE THE FLOODPLAIN. YOU CAN GO RIGHT OUT THE FENCE IF THAT WERE TO EVER HAPPEN. IT'S JUST SIMPLY -- I DON'T BELIEVE THAT IT'S SIMPLY THE FLOODING IS THE ISSUE. IT'S A SMALL ADDITION, WE WANT TO REPAIR OUR HOUSE, WE WANT TO RETIRE THERE. WE'VE GOT A 30-YEAR INVESTMENT IN IT, AND WE DON'T WANT TO MOVE. AND I REALLY HOPE THAT YOU'LL SEE YOUR WAY TO LET US PUT THE 500 SQUARE FEET OUT IN THE BACKYARD AND HAVE A FAMILY ROOM. APPRECIATE YOUR TIME.

Mayor Wynn: THANK YOU, MR. KEENEY. MRS. KEENEY, WOULD

YOU LIKE TO ADDRESS US? WELCOME.

HI. MY NAME IS RENE KEENEY AND AS MY HUSBAND SAID, WE MOVED INTO OUR HOUSE IN 1980 AND WE'VE GONE THROUGH ALL THE FLOODS. WE'VE NEVER HAD ANY WATER IN OUR HOUSE. WE'VE RAISED OUR CHILDREN IN OUR HOUSE, AND BY GOSH, THEY BETTER NOT BE MOVING BACK IN TO INCREASE OUR OCCUPANCY PAST THE TWO OF US AND OUR CATS. WE LOVE THE NEIGHBORHOOD, WE LOVE AUSTIN, AND LIKE HE SAID, WHEN WE WERE DRIVING BACK FROM COLORADO ON VACATION A FEW YEARS AGO, WE DECIDED THAT'S THE HOUSE WE WOULD LIKE TO BE ABLE TO RETIRE IN. I DON'T KNOW WHAT ELSE WE CAN SAY. IF YOU HAVE ANY QUESTIONS, I GUESS ANY OF US WOULD BE HAPPY TO ANSWER ANYTHING.

Mayor Wynn: THANK YOU. QUESTIONS FOR MR. AND MRS. KEENEY, COUNCIL? COMMENTS? I GUESS I'D LIKE A LITTLE BIT OF FEEDBACK FROM STAFF AS TO THE -- WHAT SOUNDS LIKE A MOVING TARGET HERE THAT AT SOME POINT AFTER THE KEENEYS HAD BEGUN THE PLANS FOR THEIR ADDITION, INFORMATION CHANGES AND HOW THAT CAME ABOUT.

LET ME CLARIFY. WE HAVE A MODEL THAT WAS DEVELOPED IN 1993, AND I THINK THAT THAT INFORMATION WAS PROVIDED TO THEM EARLIER ON, AND WE HAVE A NEW MODEL THAT WAS DATED 2004. THE EARLIER MODEL DOES SHOW THE 25-YEAR WATER SURFACE ELEVATION ABOVE THE FINISHED FLOOR ELEVATION IN THE HOUSE BY A QUARTER OF A FOOT. THE NEW MODEL SLIGHTLY HIGHER THAN THAT. SO I'D HAVE TO SAY I DISAGREE THAT THE HOUSE WAS NOT IMPACTED BY THE 25-YEAR FLOODPLAIN EVEN BY THE OLDER MODEL. I JUST HAVE THE NUMBERS IN FRONT OF ME.

[INAUDIBLE - NO MIC].

Mayor Wynn: MR. CARLSON, PERHAPS IF YOU APPLIED FOR A PERMIT OR SOME TYPE OF PLAN REVIEW?

THE PLANNING DEVELOPMENT INFORMATION REQUEST FORM FROM THE CITY, THIS IS DATED 3-29-'04. THE FINISHED FLOOR OF THE HOUSE IS 709.41. AND THIS INDICATES THE

25-YEAR FLOODPLAIN AT 708.93 BELOW THAT. IT'S NOT A FOOT BELOW, BUT IT IS SIX INCHES BELOW.

Mayor Wynn: MEASURABLY BELOW, RIGHT.

THE 100 YEAR FLOODPLAIN IS INDICATED AT 709.82, WHICH IS, OH, FOUR-TENTHS OF A FOOT, THREE OR FOUR INCHES ABOVE THE EXISTING FLOOR. FOR THE 100 YEAR. AT THE TIME THAT WE DID THE FIRST DESIGN PER THIS 2004 INFORMATION THAT CAME FROM THE CITY.

LET ME CLARIFY A POINT HERE. THE CODE ON -- YOU'RE DOING NEW CONSTRUCTION OR YOU'RE ELEVATING OLD CONSTRUCTION BECAUSE OF SUBSTANTIAL IMPROVEMENT, YOU MUST REACH AN ELEVATION ONE FOOT ABOVE THE 100 YEAR FLOODPLAIN. THERE'S A SAFETY BUFFER BUILT INTO OUR CODE OF ONE FOOT. WE CALL THE REGULATORY FLOOD DATA. AND I THINK THAT EXPLAINS SOME OF THE DIFFERENCES HERE, BUT THE EXISTING HOUSE FINISHED FLOOR ELEVATION IS 1.4 FEET BELOW THE RFD, SO WHAT THE APPLICANT IS ASKING IS TO APPROVE NOT ELEVATING THE EXISTING STRUCTURE, EVEN THOUGH IT'S SUBSTANTIAL IMPROVEMENT, SO HE'S ASKING FOR A VARIANCE OF 1.4 FEET BASED ON THE OLD MODEL AND ON THE NEW MODEL 1.98 FEET BELOW THE CITY'S REGULATORY FLOOD DATA ITEM REQUIREMENT.

Mayor Wynn: THANK YOU, MR. OSWALD. COUNCILMEMBER ALVAREZ.

Alvarez: MR. OSWALD, IF THEY WERE TO ELEVATE THE HOUSE A FOOT, THEN WOULD STAFF'S RECOMMENDATION BE DIFFERENT?

WE STILL HAVE THE DEEP WATER IN THE FRONT OF THE HOUSE, SO WE'RE -- WITH THAT WE'D BE BACK WHERE WE WERE ON THE EARLIER HEARING THIS EVENING.

THERE'S STILL ABOUT TWO FEET OF WATER?

RIGHT.

Alvarez: FOOT AND THREE-QUARTERS.

Mayor Wynn: MR. OSWALD, I UNDERSTAND THESE STORMS BEHAVE STRANGELY. IT'S VERY DIFFICULT TO MODEL WHAT HAPPENS WITH A BIG RAIN EVENT, BUT I WAS AMAZED TO HEAR THAT THIS HOME HASN'T FLOODED BEFORE. JUST MY 25-YEAR HISTORY HERE. IS THERE A PLAUSIBLE, YOU KNOW, FLAW IN THE MODEL? WHAT'S AN EXPLANATION?

I CAN'T COMMENT BECAUSE I DON'T HAVE FIRSTHAND KNOWLEDGE OF THAT PARTICULAR LOCATION IN 1981. WE DO KNOW STECK AVENUE, WHICH IS VERY NEAR THIS LOCATION, WE HAD A HIGH WATER MARK OF A DEPTH OF WATER IN THE CREEK OF 13.8 FEET OR 14 FEET. IF YOU'VE DRIVEN OVER THE CREEK THERE, THAT IS AN AMAZING AMOUNT OF WATER AT THAT LOCATION. I'D SAY THE CREEK BED IS PROBABLY LESS THAN SIX FEET BELOW THE ROAD SURFACE. SO WE HAD SIX, SEVEN FEET OF WATER COMING OVER THE ROAD. BUT NO, WE HAVEN'T TRIED TO EXTRAPOLATE THAT UP TO THIS LOCATION. THE MODELS THAT WE'VE DEVELOPED ARE TYPICALLY CALIBRATED AGAINST HIGH WATER MARKS SOMEWHERE IN THE WATERSHED, AND I CAN'T DISAGREE WITH THE APPLICANT ON WHAT THEY'VE SAID I JUST DON'T HAVE THE KNOWLEDGE.

YOU ASKED ME TO ANECDOTALLY TELL YOU THAT THE REASON AT STECK AVENUE THAT IT FLOODED LIKE THAT, THE CREEK THAT'S NORTH OF US FLOODS IN RIGHT THERE, COMES IN, AND IT WENT OVER THE ROAD THERE BACK INTO SHOAL CREEK AND RIGHT ON DOWN THE ROAD. I MEAN, THAT'S NOT GOING TO CHANGE, BUT SINCE THE IMPROVEMENTS TO SHOAL CREEK, THERE HAS NOT BEEN A DROP OF WATER OVER THAT CREEK FOR BLOCKS. AND THE ONLY TIME THAT THERE HAS BEEN IS WHEN THE IMPROVEMENT WAS DONE ON GREAT NORTHERN BOULEVARD, THERE WAS SOME CULVERTS PUT IN THAT WERE TOO SMALL AND IT BACKED UP THE WATER AND Y'ALL ARE FIXING THAT RIGHT NOW AT 7800, WHATEVER IT WAS, SHOAL CREEK AND FOSTER. Y'ALL ARE FIXING THAT, BUT THAT WAS BECAUSE WHEN YOU CHANGED GREAT NORTHERN, YOU CHANGED THE BRIDGE THAT WAS THERE, YOU CHANGED THE FLOW OF SHOAL CREEK. YOU'RE FIXING

IT NOW. NOTHING TO DO WITH ME. THE WATER NEVER CAME INTO MY FRONT YARD IN 1980, 1981, AND IT'S NEVER BEEN OVER THE BANKS OTHER THAN 80. NOT ANYWHERE WITHIN A MILE FROM MY HOUSE. THAT'S JUST NOT RIGHT. I DON'T KNOW WHO DID THE MODEL. IT AIN'T RIGHT. SHE WAS EIGHT AND A HALF MONTHS PREGNANT THAT DAY, AND WE STAYED IN THAT HOUSE AND NOT A DROP GOT OVER THE CURB.

Mayor Wynn: THANK YOU, MR. KEENEY. QUESTIONS, COMMENTS? COUNCILMEMBER LEFFINGWELL.

Leffingwell: WELL, I THINK I JUST HAVE TO SAY THAT I BELIEVE WHAT YOU SAY IS TRUE, BUT I BELIEVE ALSO THAT WE'RE BOUND TO BASE OUR DECISION ON WHAT THE FLOOD MAP SHOWS, NOT ON ANECDOTAL EVIDENCE. IF IT IS -- I THINK THE PROPER WAY TO GO WOULD BE TO PROCEED TO TRY TO GET THE FLOODPLAIN CHANGED, THE FLOOD MAP CHANGED. UNTIL THAT HAPPENS, I PERSONALLY FEEL BOUND TO MAKE MY DECISION BASED ON WHAT THE FLOODPLAIN SHOWS OFFICIALLY RIGHT NOW.

Mayor Wynn: MR. OSWALD, ON THE INFORMATION THAT MR. CARLSON SHOWED, I GUESS THE INITIAL LITTLE SUMMARY SHEET THAT AT LEAST AT THE TIME STAFF WOULD GIVE AN APPLICANT WHEN THEY WERE LOOKING AT A HOME REMODEL, IF IT HAPPENS TO SHOW THAT TECHNICALLY YOU ARE ABOVE THE FLOODPLAIN, BUT DOES IT ALSO INFORM THEM THAT BY CODE THERE'S A FOOT BUFFER AND YOU HAVE TO ACTUALLY BE A FOOT ABOVE WHAT WE DEFINE AS THE FLOODPLAIN?

WELL, WHEN ANYONE CALLS US OR FAXES IN A REQUEST FOR FLOODPLAIN INFORMATION, WE TELL THEM WHAT THE WATER SURFACE ELEVATION IS AT THEIR LOCATION. IF THEY FURTHER EXPLORE WHAT THEY MIGHT NEED TO DO IN TERMS OF MAKING AN IMPROVEMENT, THAT'S WHEN THEY INFORM THEM OF THE CODE REQUIREMENTS, BUT JUST ON THAT FORM, THAT INFORMATION REQUEST FORM, I DON'T BELIEVE WE LAY OUT ALL OF THE CODE REQUIREMENTS. BASICALLY THEY REQUEST THE WATER SURFACE ELEVATION. IT'S USED FOR INSURANCE RATING. REALTORS USE IT IN PROPERTY TRANSACTIONS. SO IT HAS MULTIPLE USES OTHER THAN ISSUES WE'RE SPEAKING TO HERE

TONIGHT. IT'S BASICALLY AT YOUR ADDRESS THE BEST ESTIMATE OF WATER SURFACE ELEVATION IS. THEN WHEN ANYONE COMES IN FOR A BUILDING PERMIT THAT'S IN OR NEAR A FLOODPLAIN, IT'S FLAGGED. WE IDENTIFY. THERE WOULD BE SPECIAL PROVISIONS AND THAT'S WHEN THE INTERACTION WHEN THE APPLICANT BEGINS ON THESE TYPE OF ISSUES.

Mayor Wynn: THANK YOU, GEORGE. FURTHER QUESTIONS, COMMENTS? COUNCILMEMBER KIM.

COULD I CLARIFY UNDERSTANDING?

Mayor Wynn: YES, SIR, MR. CARLSON.

WHAT I WOULD SAY THAT WE UNDERSTOOD, THOSE WERE THE ELEVATIONS, AND WE KNEW THAT INsofar AS THE ADDITION WAS CONCERNED, WHEN YOU'RE DEALING WITH THE 100 YEAR FLOODPLAIN THAT THE REQUIREMENT FOR THE ADDITION WOULD BE THAT YOU WOULD NEED TO BE ONE FOOT ABOVE THE 100 YEAR FLOODPLAIN IF WE LEFT THE -- IF WE WERE ONLY WITHIN THE 100 YEAR FLOODPLAIN. SO THAT WAS CLEAR TO US. IN OUR CURRENT SCHEME WE HAVE NOT RAISED THE ADDITION A FULL FOOT, THOUGH WE LOOKED AT SOME SOLUTIONS TO THAT IF WE HAD TO. WHAT IT RESULTS IN IS HAVING FOUR STEPS UP INTO THE ADDITION, WHICH WE PREFERRED NOT TO DO, BUT I WILL SAY THAT WE DID TAKE A LOOK AT THAT AS A POSSIBILITY AND OUR SITE WORK GETS TO BE A LITTLE BIT MORE DIFFICULT IF WE NEED TO DO THAT. BUT WE HAVE LOOKED AT THE KEENEYS EXPERIENCE ON THE PROJECT AND SO WE ELECTED NOT TO DO THAT, ALTHOUGH THAT WOULD BE A POSSIBILITY. THANK YOU.

Mayor Wynn: THANK YOU, MR. CARLSON. COUNCILMEMBER KIM.

Kim: I WANT TO ASK STAFF ABOUT JUST IN GENERAL ABOUT DEVELOPMENT IN THE FLOODPLAIN. GIVEN THAT THERE ARE OTHER PROPERTIES IN THE AREA THAT MAY OR MAY NOT BE IN THE FLOODPLAIN, IF THEY ARE TO INCREASE THEIR IMPERVIOUS COVER BY ADDING ADDITIONS OR WHATEVER THEY'RE ALLOWED TO TO THE CODE, EVEN IF THEY DON'T

COME TO CITY COUNCIL, OR EVEN IF THEY DO, THEN THAT COULD TRIGGER AN EVENT HAPPENING THAT PROPERTIES SUCH AS THIS WHERE IT IS TECHNICALLY BELOW THE 25-YEAR -- BELOW THE 100 YEAR FLOODPLAIN DATUM, AND THIS IS BY TWO FEET, IS THAT RIGHT? BECAUSE HE WAS TALKING ABOUT CHANGES WITH CONSTRUCTION IN THE AREA AND AN EVENT THAT DID HAPPEN. SO THINGS CAN BE IN FLUX IN TERMS OF CONSTRUCTION IN OTHER AREAS OR CHANGES IN THE TOP AGRICULTURE RAFFY, IS THAT RIGHT?

I DON'T KNOW IF I QUITE UNDERSTAND THE QUESTION.

Kim: IF THERE IS LET'S SAY ADDITIONS IN OTHER PARTS OF THE NEIGHBORHOOD OR ALONG THE SHOAL CREEK AREA, THAT THAT WILL HAVE AN EFFECT OF INCREASING THE LIKELIHOOD OF EVENTS OR FLOODING EVENTS OCCURRING, ESPECIALLY FOR PROPERTIES THAT ARE ALREADY BELOW THE FLOODPLAIN LINE.

BASICALLY THE SHOAL CREEK WATERSHED IS BUILT OUT WITH THE EXCEPTION OF SOME LANDS UP IN -- THAT GOLDEN TRIANGLE AREA AND ALL OF THAT IS SERVED BY OUR REGIONAL DETENTION POND NETWORK WHICH WE'RE ACTUALLY EXPANDING. RIGHT NOW WE HAVE A BIG CONSTRUCTION PROJECT UP THERE. BUT THESE -- CHANGES ON SINGLE-FAMILY LOTS WHERE SOMEONE MAY ADD -- LET'S SAY OUTSIDE OF THE FLOODPLAIN, BUT NEAR THIS PROPERTY THEY MAY ADD A ROOM OR SOMETHING LIKE THAT, THAT'S SO DIMINUS, THAT SMALL INCREASE IN IMPERVIOUS COVER, THAT'S NOT GOING TO CHANGE THE WATERSHED CONDITIONS. WHAT WE'RE SEEING, WE'RE DEVELOPING MORE ACCURATE MODELS BETWEEN '93 AND NOW WHY THERE'S CHANGES IN THE WATER SURFACE ELEVATION. IT'S NOT BECAUSE OF ADDITIONAL DEVELOPMENT, IT'S BECAUSE WE'RE DEVELOPING MORE ACCURATE MODELS. AND WE'RE USING NEWER TECHNIQUES. SO THERE'S A CHANGE THAT MAY APPEAR THAT IS RELATED TO SOME PHYSICAL CHANGE OUT THERE IN THE WATERSHED, BUT IN THIS CASE IT'S NOT. IT'S JUST APPLICATION OF NEW TECHNIQUES, CALIBRATING AGAINST DIFFERENT STORMS AND AREAS OF THE WATERSHED. SO THAT'S THE REASON -- THAT'S THE REASON THERE'S BEEN A CHANGE BETWEEN THE 1993 AND THE 2004 MODEL. IT'S NOT

THE SMALL IMPERVIOUS COVER CHANGES IN THAT AREA OUT THERE.

Kim: OKAY. THANK YOU.

Mayor Wynn: FURTHER COMMENTS, QUESTIONS? IF NOT, I'LL ENTERTAIN A MOTION ON ITEM 57. COUNCILMEMBER LEFFINGWELL.

Leffingwell: I'LL MOVE TO CLOSE THE PUBLIC HEARING AND DENY THE VARIANCE REQUEST.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER LEFFINGWELL TO CLOSE THE PUBLIC HEARING AND TO DENY THE VARIANCE REQUEST, SECONDED BY COUNCILMEMBER KIM. FURTHER COMMENTS? I'LL SAY AGAIN, THESE ARE VERY DIFFICULT VOTES. HEARING NO FURTHER COMMENTS, ALL THOSE IN FAVOR OF THE MOTION TO DENY, PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED? MOTION TO DENY PASSES ON A VOTE OF FIVE TO ZERO WITH THE MAYOR PRO TEM AND COUNCILMEMBER MCCRACKEN OFF THE DAIS. WELCOME. ITEM NUMBER 58 REGARDING AMENDING THE CITY CODE REGARDING SCENIC ROADWAYS.

GOOD EVENING, MAYOR AND COUNCILMEMBERS. MY NAME IS AMY ROW CAIN WITH THE WATERSHED PROTECTION AND DEVELOPMENT REVIEW DEPARTMENT. ON DECEMBER 15TH COUNCIL INITIATED THE PROPOSED AMENDMENT HERE PRESENTED TO YOU THIS EVENING THAT WOULD ADD STATE HIGHWAY 130 TO THE LIST OF SCENIC ROADWAYS AS DESCRIBED IN CHAPTER 25-10 OF THE LAND DEVELOPMENT CODE. THE PURPOSE OF THIS AMENDMENT IS TO ENSURE THAT SIGNS FOR ANY FUTURE PROPOSED COMMERCIAL DEVELOPMENT ALONG THE PORTION OF SH 130 THAT FALLS WITHIN THE CITY'S PLANNING JURISDICTION ARE REGULATED UNDER THE SCENIC ROADWAY SIGN DISTRICT. WHICH PROVIDE RESTRICTIONS ON THE NUMBER OF FREESTANDING SIGNS, SIGN HEIGHT, SIGN AREA LIMITS AND LIGHTING RESTRICTIONS. IN ADDITION, THE DESIGNATION OF

SH 130 AS A SCENIC ROADWAY WOULD ENSURE THAT OFF-PREMISE, NONCONFORMING SIGNS MORE COMMONLY REFERRED TO AS BILLBOARDS, WOULD NOT BE ALLOWED TO BE RELOCATED TO THIS ROAD. THE RECENT BILLBOARD RELOCATION ORDINANCE PASSED BY COUNCIL ON NOVEMBER 17TH PROHIBITS THE RELOCATION OF BILLBOARDS TO ROADS DESIGNATED AS SCENIC ROADWAYS. THIS CONCLUDES MY PRESENTATION. THANK YOU. I'D BE HAPPY TO ANSWER ANY QUESTIONS.

Mayor Wynn: THANK YOU. QUESTIONS OF STAFF, COUNCIL? COMMENTS? WE HAVE ONE CITIZEN, GERARD KINNEY WAS HERE EARLIER, HAD SIGNED UP WISHING TO SPEAK IN FAVOR. FURTHER COMMENTS, QUESTIONS? COUNCILMEMBER LEFFINGWELL.

Leffingwell: I WISH THEY WERE ALL THIS EASY. I'LL MOVE TO CLOSE THE PUBLIC HEARING AND APPROVE ITEM NUMBER 58 AMENDING THE CITY CODE TO ADD 130 TO THE LIST OF SCENIC ROADWAYS. >>

Dunkerley: SECOND.

Mayor Wynn: MOTION BY COUNCILMEMBER COUNCILMEMBER LEFFINGWELL, SECONDED BY COUNCILMEMBER DUNKERLEY TO CLOSE THE PUBLIC HEARING AND APPROVE THIS ORDINANCE AS OUTLINED, ITEM NUMBER 58. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED? MOTION PASSES ON A VOTE OF FIVE TO ZERO AGAIN WITH THE MAYOR PRO TEM AND COUNCILMEMBER MCCRACKEN OFF THE DAIS. MS. SPENCE, IS THAT IT? THERE BEING NO MORE BUSINESS BEFORE THE CITY COUNCIL, WITHOUT OBJECTION, WE STAND ADJOURNED. 8:44 P.M.

End of Council Session Closed Caption Log